

1 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES
3 RELIGIOUS TECHNOLOGY *
4 CENTER, a California Non- *
5 Profit Religious *
6 Corporation, CHURCH OF *
7 SCIENTOLOGY INTERNATIONAL, *
8 a California Non-Profit *
9 Religious Corporation, *
10 CHURCH OF SCIENTOLOGY OF *
11 CALIFORNIA, a California *
12 Non-Profit Religious *
13 Corporation, *
14 Plaintiffs * NO. BC 033035
15 VS. *
16 JOSEPH A. YANNY, an *
17 Individual, and JOSEPH A. *
18 YANNY, a Professional Law *
19 Corporation, *
20 Defendants *

RECEIVED

MAY 08 1992

HUB LAW OFFICES

14 ORAL DEPOSITION OF
15 RICHARD AZNARAN

16 On the 15th day of April, 1992, at 10:00
17 a.m., the oral deposition of the above-named
18 witness was taken at the instance of the Plaintiffs
19 before Tierney Burgett, Certified Shorthand
20 Reporter in and for the State of Texas, at the
21 offices of Stanley, Harris, Rice & Associates, 3100
22 McKinnon, Suite 1000, in the City of Dallas, County
23 of Dallas, State of Texas, pursuant to subpoena and
24 the agreement stated in the deposition of Vicki
25 Aznaran.

RECEIVED
JULY 1 1992

1 A P P E A R A N C E S

2 WILLIAM T. DRESCHER
23679 Calabasas Road, Suite 338
3 Calabasas, California 91302

4 Appearng for the Plaintiffs

5 LEWIS, D'AMATO, BRISBOIS & BISGAARD
221 North Figueroa Street, Suite 1200
6 Los Angeles, California 90012

7 By: Graham E. Berry

8 Appearng for the Defendants

9 KAREN E. MCRAE
2909 Cole, Number 210
10 Dallas, Texas 75204

11 Appearng for the Witness

12 ALSO PRESENT:

13 Matt Ward

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1 I N D E X

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1 RICHARD AZNARAN,
2 the witness hereinbefore named, being first duly
3 cautioned and sworn to testify the truth, the whole
4 truth and nothing but the truth, testified under
5 oath as follows:

6 EXAMINATION

7 BY MR. DRESCHER:

8 Q. Do you want to state your name, just for
9 the record?

10 A. Richard Aznaran.

11 Q. Mr. Aznaran, I know you've been deposed
12 before, not in this case, but in other cases, and
13 you recollect the procedure, don't you?

14 A. Yes, I do.

15 Q. The only things that we can do, you and
16 I, to make it easier for our reporter is to make
17 sure that one of us talks at a time. Is that okay?

18 A. No problem.

19 Q. And that your answers are all audible?

20 A. Okay.

21 Q. Good. Did you review any documents in
22 preparation for today's deposition?

23 A. No, I didn't.

24 Q. And did you receive a subpoena for today?

25 A. Yeah.

1 Q. It was accepted in your behalf, I think,
2 wasn't it?

3 A. No. I accepted it myself.

4 Q. Did you notice there was a request to
5 produce documents here today?

6 A. Uh-huh (affirmative).

7 Q. Did you see that?

8 A. Uh-huh (affirmative).

9 Q. Do you have any documents to respond to
10 that?

11 A. No, I don't.

12 Q. Your sister-in-law is representing you
13 today, right?

14 A. Karen McRae.

15 Q. Other than Ms. McRae, did you discuss
16 this deposition with anyone other than her that you
17 were coming here today?

18 A. Other than the fact that I was having a
19 deposition? I assume that you mean specifics or
20 about facts or --

21 Q. Yes. Despite the fact -- you know,
22 anything to acknowledge to somebody that you had a
23 deposition.

24 A. No.

25 Q. Have you met Mr. Berry before today?

1 A. I met him yesterday at lunch.

2 Q. Did you talk about your wife's deposition
3 at lunch?

4 A. To a very limited amount, yeah.

5 Q. Okay. What did she say about it?

6 A. Said that you asked her the same question
7 15 times.

8 Q. I take issue with her count.

9 A. Okay.

10 Q. Did she say anything else?

11 A. No. Just words to that effect.

12 Q. Are you all set to go?

13 A. I'm ready.

14 Q. You're the plaintiff in the Aznaran
15 versus Church of Scientology in California, right?

16 A. Et al, yes.

17 Q. Et al. Pending out in federal court in
18 Los Angeles?

19 A. Yes.

20 Q. That was filed April 1, 1988; is that
21 correct?

22 A. It was filed when it was filed. I'm not
23 going to sit here and try to remember all these
24 dates or whatever.

25 Q. Does spring of '88 sound about right to

1 you?

2 A. Yes.

3 Q. It's true that Ford Greene was your
4 counsel of record in that case at some point in
5 time, right?

6 A. At some point in time, that's correct.

7 Q. From about early 1989 until the summer of
8 last year; is that your recollection?

9 A. No. I believe he was counsel of record
10 later than that.

11 Q. Okay. Well, he was relieved as counsel
12 in June of 1991, wasn't he, when you and your wife
13 came in pro per?

14 A. Yes.

15 Q. And later he was ordered to return as
16 counsel of record?

17 A. That's correct.

18 Q. Does early 1989 sound right to you as
19 when he started representing?

20 A. Whenever it was, yeah. I mean, that's a
21 matter of public record.

22 Q. Do you know whether a trial date is
23 currently set in that case?

24 A. I don't believe so.

25 Q. Do you know if there ever has been a

1 trial date?

2 A. I believe so.

3 Q. Do you remember when the most recent
4 trial date was set in that case was?

5 A. No.

6 Q. More than one trial date having been set?

7 A. Yeah, I believe so.

8 Q. How many?

9 A. No idea.

10 Q. Did you ever authorize Ford Greene to
11 stipulate to a continuance of the trial date in
12 that case?

13 A. I don't know. I think anything that Mr.
14 Greene and I might have discussed would have been
15 privileged information.

16 Q. I understand that. And I am not asking
17 for any substance of anything discussed.

18 MS. MCRAE: Yes. Don't give him any
19 substance of any conversations. If the witness
20 answers too quickly before my little Texas mind can
21 object, I'm going to object after he answers.

22 MR. DRESCHER: Well, I'll note that,
23 as far as I know, he's a Texan, too, so I'm sure
24 you can keep up with him.

25 THE WITNESS: I'll try to be slow.

1 MR. DRESCHER: Can we go off the
2 record for a second.

3 (Off the record.)

4 Q. All I wanted to know, whether you can
5 recollect having specifically authorized Ford
6 Greene to seek a continuance of the trial date by
7 stipulation.

8 A. No, I don't.

9 MS. MCRAE: Again, I'm going to
10 object as to an attorney basically has a general
11 authorization to handle a case for a client the
12 best they see fit.

13 MR. BERRY: And I would object to
14 this line of questioning, as I did yesterday, on
15 the grounds of relevancy to this case.

16 Q. Now, with respect to Mr. Greene
17 representing you as counsel --

18 A. Yes.

19 Q. -- is it your recollection that you
20 discharged him in June of last year? Is that
21 right?

22 A. I think it was probably June.

23 Q. Okay. I'll show you a document later
24 that might refresh you, but that sounds about right
25 to you?

1 A. Yes.

2 MR. DRESCHER: In fact, why don't I
3 just do that right now. Mark as Exhibit 1 a
4 document stamped filed July 1, 1991, substitution
5 of attorney for Richard N. Aznaran, in pro per,
6 replacing Ford Greene in the Aznaran case.

(Exhibit No. 1 marked.)

A. I'm sorry, what do you want me to do?

9 Q. Take a look at it.

10 A. Yeah.

Q. Have you seen it before?

12 A. Yes. It appears that I signed it.

Q. That looks like your signature?

14 A. Uh-huh (affirmative).

15 Q. Do you have a recollection of signing a
16 substitution of attorney?

17 A. Yes, I do.

18 Q. Around June 11, 1991?

19 A. I guess so, yeah.

20 Q. Okay. Is that your handwriting with that
21 date that I mentioned?

22 A. Yeah.

23 Q. Where were you when you signed this
24 particular exhibit?

A. I don't recall specifically. I think I

1 was probably in Dallas.

2 Q. Do you see the date next to Mr. Greene's
3 signature?

4 A. Uh-huh (affirmative).

5 Q. That looks like Mr. Greene's signature?

6 A. Yes, I do.

7 Q. That's Mr. Greene's signature, to your
8 recollection?

9 A. I believe so.

10 Q. Pretty distinctive?

11 A. I think so.

12 Q. Do you see the date 6-7-91 by his
13 signature?

14 A. Yes, I do.

15 Q. Did you ask Mr. Greene to prepare this
16 form?

17 MS. McRAE: I'm going to object to
18 attorney-client privilege and exactly what was
19 asked to be prepared.

20 Q. Well, let me rephrase the question. Did
21 you ask Mr. Greene prior to June 7th, 1991 to
22 substitute out of the Aznaran case?

23 A. I actually don't recall.

24 Q. By the way, when I mentioned the Aznaran
25 case, that's the case that you and your wife have

1 pending in Los Angeles?

2 A. Okay.

3 Q. You understood that?

4 A. I understood that.

5 Q. All right. So you don't recall asking
6 Ford Greene to step aside; is that what you're
7 telling me?

8 A. Yeah. If you mean like a one-on-one
9 conversation between myself and Ford Greene, that
10 is correct.

11 Q. Did you have a two-on-one conversation
12 with Ford Greene?

13 A. I don't really recall exactly how it
14 happened. I don't know if I'm the one that told
15 him or Vicki told him or Barry told him. I don't
16 know who told him. I don't remember.

17 Q. All right. By Barry, meaning Barry
18 Van Sickle?

19 A. That's correct. And by Vicki, I mean
20 Vicki Aznaran.

21 Q. Well, who decided that Mr. Greene was to
22 step aside and that you would come in pro per?

23 A. I did.

24 Q. Did you talk that over with Vicki?

25 A. I spoke with Barry Van Sickle and Vicki

1 about it.

2 Q. Together?

3 A. No. Independently.

4 Q. To whom did you speak first?

5 A. Barry Van Sickie.

6 Q. In person or by telephone?

7 A. By telephone.

8 Q. Did you call him or did he call you?

9 A. He called me.

10 Q. Was this when you were in Mexico?

11 A. Actually, no. I was in Dallas.

12 Q. About when was that?

13 A. I would say it was the end of May or
14 early June, right in there. I couldn't recall the
15 exact date.

16 Q. Okay. Well, let's take Mr. Greene for
17 his word, then, on Exhibit 1, that he signed that
18 document on the 7th of June, 1991.

19 A. Okay.

20 Q. About how long before the 7th of June?

21 A. I wouldn't know.

22 Q. Okay. Well, let's -- you signed it on
23 the 11th?

24 A. That's correct.

25 Q. About how long before the 11th of June

1 did you have this conversation, first, with
2 Barry --

3 A. It would have been around the end of May
4 or early June.

5 Q. Can't be more precise than that?

6 A. Not really.

7 Q. Could it have been as much as 10 days
8 before you signed that document, Number 1?

9 A. Yeah.

10 Q. Could it have been the week before?

11 A. Yeah.

12 Q. Just have no recollection, as you sit
13 here?

14 A. Not for the exact number of days, no, I
15 don't.

16 Q. You've got that specific telephone call
17 in mind in which you think you discussed this with
18 Barry, end of May, early June?

19 A. There was actually more than one, but,
20 yes.

21 Q. Can you remember the first one?

22 A. Yes.

23 Q. Okay. And you can keep the first one
24 separate from the other or others of them in that
25 sequence?

1 A. No, not necessarily. They were all in
2 the same subject, and they were all pretty close
3 together.

4 Q. All within a couple of days of each
5 other?

6 A. Yes.

7 Q. Two or three days?

8 A. Yes.

9 Q. Day or two?

A. Yeah. I'd say it was a couple.

11 Q. I said two or three before.

12 A. Gh.

13 Q. Let me pick my nets. Okay? Could they
14 all have been on the same day?

15 A. I think there was more than one day
16 involved.

Q. Two or three?

A. More than three.

19 MR. BERRY: Objection; asking him to
20 speculate.

21 | (Off the record.)

22 Q. Let's take those couple of phone calls,
23 couple or three phone calls with Barry, late May,
24 June. Did he call you first?

A. Can I interject something real quickly?

1 Q. Sure.

2 A. You brought up a phone call in Mexico.

3 That's what actually started this whole sequence of
4 events, and that phone call was actually from
5 Karen.

6 Q. I see. So Karen -- the first call in the
7 sequence that led to Ford Greene's discharge was
8 placed by Karen to you?

9 A. I believe that's correct, yes.

10 Q. And you were in Cozumel?

11 A. Yes.

12 Q. Okay. And that was before Barry spoke to
13 you directly about this subject?

14 A. Yes.

15 Q. All right. Did you go to Cozumel for the
16 Memorial Day weekend?

17 A. No. I went there for fun?

18 Q. How about timewise?

19 A. Could have been.

20 Q. It was around then?

21 A. Yes.

22 Q. Stayed for, what, seven days?

23 A. Give or take.

24 Q. Do you think you were there on Memorial
25 Day?

1 A. I have no idea.

2 Q. Okay. Did you fly there from Dallas?

3 A. The best as I recall, yes.

4 Q. What airline?

5 A. I have no idea.

6 Q. Did you stay in a hotel?

7 A. Yeah.

8 Q. Which one?

9 A. Colonial Suites that trip.

10 Q. All right. So the sequence of
11 communications, by phone or otherwise, that led to
12 Ford Greene's replacement, as shown in Exhibit 1,
13 began with Ms. McRae calling you by telephone when
14 you were in Cozumel?

15 A. She called, left a message. We don't
16 have phones in our room down there.

17 Q. That's the best way.

18 A. And I was returning from diving and was
19 told that she'd called and returned her call.

20 Q. From the lobby?

21 A. Yes.

22 Q. Was anybody with you?

23 A. Vicki.

24 Q. She was there?

25 A. Yeah.

1 Q. Okay. What time of day was it?

2 A. Noonish, oneish, twoish, threeish,
3 something -- no, 1 or 2, probably, something like
4 that.

5 Q. Daylight?

6 A. Yeah.

7 Q. How long had you been in Cozumel before
8 you got that phone call?

9 A. It was right at the end of the trip.

10 Q. The last day maybe?

11 A. Could have been.

12 Q. So you returned Ms. McRae's phone call?

13 MS. MCRAE: Pardon?

14 A. Yes.

15 Q. You returned Ms. McRae's phone call?

16 A. Yeah.

17 Q. The same day you got the message?

18 A. I believe so.

19 Q. The same day she called you, to your
20 knowledge?

21 A. I believe that's correct. A little
22 correction. I might not have dove that day.

23 Q. That's all right.

24 A. Okay.

25 Q. Okay. In the course of that telephone

1 call between you and Ms. McRae from the lobby, your
2 wife wasn't on the phone with you, right?

3 A. No.

4 Q. She was standing nearby?

5 A. Sitting, I believe.

6 Q. You were in a phone booth or an open
7 phone?

8 A. It was an open phone.

9 Q. About how long a telephone conversation
10 was that?

11 A. Just a couple of minutes.

12 Q. Do you remember what was said?

13 MS. MCRAE: Objection.

14 MR. DRESCHER: I'm just asking yes
15 or no.

16 Q. Do you remember what was said?

17 A. As to substance, yeah. I remember the
18 call, the phone call.

19 Q. Okay. Do you remember what, if anything,
20 Ms. McRae said to you about any settlement
21 proposal? --

22 A. Yes.

23 Q. -- to be conveyed to you in with respect
24 to the Aznaran case?

25 A. Yes.

1 Q. What did she say?

2 A. As I recall --

3 MS. MCRAE: Objection;
4 attorney-client privilege. Instruct you not to
5 answer. Unless you want to narrow it and make this
6 not be a general waiver, I'll let him testify.

7 MR. DRESCHER: I don't want this to
8 be construed as a general waiver, any differently
9 than I did yesterday when Ms. Aznaran related her
10 understanding of what took place in terms of this
11 phone call, although she never testified to a phone
12 call between you and him.

13 MS. MCRAE: I Just want it clear on
14 the record, and I will let him testify as to what
15 the conversation was.

16 Q. What did you say to Karen and what did
17 she say to you in that call?

18 A. The gist of it was that Barry had called
19 her. He had been at a meeting with one of the
20 Scientology attorneys.

21 Q. Do you know which one?

22 A. If you did a little mini assessment, I
23 can tell you. I can't think of his name right
24 know. It was one of their latest and greatest at
25 the time.

1 MS. MCRAE: Quinn?

2 THE WITNESS: Yeah.

3 Q. That's your recollection?

4 A. I believe so.

5 Q. So Barry had been in a meeting with
6 Quinn. Go ahead

7 A. And I think maybe some other attorneys
8 probably were there, too, but in any case, an offer
9 had been made for Vicki and I to settle our case,
10 and that they looked like they wanted to work out a
11 settlement.

12 Q. Did Karen give you a number?

13 A. I think she probably did, but I can't
14 really recall. I mean, there's been numbers thrown
15 around at different times during this whole thing,
16 and I really don't recall. I think they'd made
17 some kind of -- I think there was a number, and I
18 think we all considered that -- knew that -- didn't
19 have to say that that wasn't enough.

20 Q. Not much to think about, right?

21 A. Not a whole lot to think about, but the
22 real meat of the conversation was that they were
23 wanting to talk settlement.

24 Q. Does the number 250 mean anything to you
25 in that context?

1 A. I think that number's been used before,
2 but I don't recall if that was necessarily at that
3 time.

4 Q. But whatever the number given you by Ms.
5 McRae just wasn't worth thinking about it, was it?

6 A. The number itself, like I say, was not a
7 whole lot to think -- didn't take a long time to
8 say no.

9 Q. You did say no, didn't you?

10 A. To that number.

11 Q. Yes.

12 A. Not to the settlement conference.

13 Q. The question is, you said no to that
14 number?

15 A. Yes.

16 Q. You said no to that number in that phone
17 call with Ms. McRae, didn't you?

18 A. I'm sure I did.

19 Q. Did you talk it over with Vicki before
20 you said no to that number?

21 A. I don't recall.

22 Q. Did Ms. McRae tell you it was a one time
23 only, take it or leave it?

24 A. No.

25 Q. Did anybody ever tell you that about that

1 number?

2 A. That particular number?

3 Q. Yes.

4 A. Well, I don't remember what that
5 particular number was.

6 Q. Did anybody ever tell you it was a one
7 time, take it or leave it, or words to that effect,
8 about that particular proposal, whatever the number
9 was?

10 A. I think that that has occurred, but I
11 don't know if that was that particular time.

12 Q. When you say has occurred, around the
13 time we're talking about?

14 A. I have no idea. Like I said, there's
15 been --

16 Q. I'm sorry?

17 A. -- different numbers bandied about. I
18 don't know. I just kind of left that -- okay.

19 Q. Did Ms. McRae tell you anything in that
20 phone call, to your recollection, other than what
21 you've recounted to me here?

22 A. Not that I recall.

23 Q. I'm about to ask you a question I wish
24 somebody would ask me about my sister-in-law.
25 What did you tell her to do?

1 A. Not a whole lot to say. We were about to
2 be home. We were going to be leaving soon.

3 Q. That day or the next?

4 A. Yeah, whatever.

5 Q. Other than rejecting the number, you
6 didn't tell her anything else?

7 A. No, not that I recall.

8 Q. If I asked you this, Rick, I'm sorry. To
9 your knowledge, was anybody on the line with Karen
10 when you had that telephone call?

11 A. No.

12 Q. Did Vicki talk to Karen at that time?

13 A. I don't recall. I don't believe so.

14 Q. You did talk to Vicki about your call
15 with Karen after you finished it, though, right?

16 A. I'm sure I did.

17 Q. Did you talk to Vicki about the call with
18 Karen while Karen was still on the line?

19 A. I don't recall.

20 Q. What did you and Vicki talk about, about
21 that phone call after you got off the line with
22 Karen?

23 A. That the number was too small, but maybe
24 we were going to enter into some serious
25 negotiations.

1 Q. So she was okay with your rejecting the
2 number?

3 A. Yes.

4 Q. But you agreed that settlement
5 discussions should be pursued, you agreed with
6 Vicki?

7 A. Yes.

8 Q. Or she agreed with you, however it was?

9 A. Yeah.

10 Q. Okay. Did you and Vicki talk any further
11 about it while you were down in Cozumel?

12 A. I don't know. If we did, it would have
13 been just the same. There wasn't a whole lot to
14 say.

15 Q. Did you ever talk to Barry Van Sickle --
16 you personally ever talk to Barry Van Sickle
17 directly about the settlement?

18 A. Yes.

19 Q. About when was that in relation to your
20 call?

21 A. When we returned to Dallas.

22 Q. So within a day or two?

23 A. Yeah.

24 Q. Did you call him or did he call you?

25 A. You actually already asked that, and I

1 said that he called me, but in retrospect, I
2 honestly don't recall who called who. I think I
3 might have called him, because I had just gotten
4 back.

5 Q. Did you speak to him?

6 A. I did speak with him.

7 Q. Anybody on the line with you?

8 A. On my end?

9 Q. Yes.

10 A. No, I don't believe so.

11 Q. To your knowledge, anybody else on
12 Barry's end?

13 A. Not to my knowledge.

14 Q. About how long of a telephone call was
15 it?

16 A. 10 minutes.

17 Q. And the subject matter was the settlement
18 proposal?

19 A. Yeah.

20 Q. Well, you had already rejected the
21 proposal; isn't that right?

22 A. The settlement discussions was what we
23 discussed.

24 Q. That's what I'm leading up to. Okay. Do
25 you recollect what you said and he said in that

1 10-minute, or however long, conversation by phone?

2 A. Ask me that again.

3 Q. Do you recollect what he said and what
4 you said in --

5 A. Not word for word; in substance, yes.

6 Q. Could you tell me what you said and he
7 said in substance?

8 A. Yeah. He said that he had been at a
9 meeting, may even have called it a settlement
10 conference, concerning -- no. I'll back up. I
11 think I'm wrong timewise on that. I believe he
12 said that he had been meeting with Quinn. Let's
13 see, there were several conversations with Barry,
14 and I am afraid they're a little mashed together
15 here.

16 Q. Okay.

17 A. I don't know. He talked to Quinn. I'll
18 leave out --

19 Q. Let's do it this way, then, since they're
20 running together. You said a little earlier you
21 had a couple of conversations with Barry on the
22 topic of settlement talks at that time?

23 A. Well, we've actually had more than that
24 over --

25 Q. I'm just concerned about that couple of

1 day period.

2 A. Right.

3 Q. Right after you first heard from Karen.

4 A. To back up a second, it may have been
5 more than two. It may have been as many as six or
6 eight. I have no idea.

7 Q. They're all running together?

8 A. Yes.

9 Q. But can you recount the substance of
10 those phone calls?

11 A. Yes, absolutely.

12 Q. Why don't you go ahead.

13 A. He had been speaking --

14 MS. MCRAE: Wait a minute. We've
15 got the same agreement all the way through this
16 period of time that you're talking about, about it
17 not being a general waiver, right?

18 MR. DRESCHER: Yes.

19 MS. MCRAE: Go ahead.

20 A. He'd been talking to Church attorneys,
21 who, to the best of my recollection, at that time
22 the discussion was being headed by Quinn. He had
23 indicated that he thought Quinn was a logical sort
24 of fellow. And he said that they talked
25 settlement, and Quinn had indicated a desire to

1 settle these things and that --

2 Q. By these things?

3 A. Cases.

4 Q. Your cases?

5 A. Meaning Bent's and ours, Bent being Bent
6 Corydon.

7 Q. Go ahead.

8 A. Again, there's a couple of conversations.
9 I don't remember which one's which, but in one of
10 them I know that they had indicated that a
11 particular amount be offered for us, and then on
12 another occasion he told me that they'd indicated
13 an amount. They told him, well, let's just -- if
14 you could just play God or King, or whatever the
15 hell it was, and there was X amount of money, how
16 would you split it up, some conversation to that
17 effect.

18 But anyway, in other words, that's more
19 than one conversation I'm talking about here. And
20 I am not -- I think the actual offer was the first
21 one, and the other thing was like later in time.

22 But in any case, he said that he thought
23 that he could -- that they wanted to work out a
24 settlement, and that they were talking to him about
25 it, and that they had indicated they didn't want to

1 deal with Ford Greene. And he wanted to know if he
2 had my authorization to enter into settlement
3 negotiations, which I gave him.

4 And in substance, although I don't
5 remember the exact words, he -- further on the
6 subject of Ford Greene, that they wouldn't deal
7 with him. In other words, if we were going to work
8 this thing out, he was going to have to go.

9 So I said, okay, well, I indicated we
10 could deal with that, and authorized him to, as I
11 said, enter into settlement negotiations on our
12 behalf and take steps to do this thing, take Ford
13 out and put us in proper, but I don't really
14 recall whether I called Ford or whether Barry
15 called, what I told you before on that subject.

16 Q. Nor whether Vicki called?

17 A. I'm pretty sure she didn't. I usually
18 deal with that kind of thing.

19 Q. Okay. That's all of those phone calls in
20 that sequence with Barry, and the best you can
21 recollect of the substance of each and whatever
22 happened?

23 A. Yeah.

24 Q. The only order you gave me was that the
25 offer came in the first call and the other stuff

1 came later?

2 A. Yes. I also recall that on one -- it
3 seems like the first offer came from Quinn over
4 lunch or some kind of deal like that. I could be
5 wrong. I'm just giving you my best recollection.
6 And later this thing about, well, let's -- if you
7 could play God and you had this much money, how
8 would you deal it -- how would you split it up,
9 that was later, I think, when the -- later into
10 Corydon's settlement.

11 Q. Okay. But all of this happened before
12 you signed this substitution?

13 A. The first part. I don't know about the
14 part about if you could play God. I don't really
15 recall. But the part about him indicating that
16 they had made an offer, that Green was going to
17 have to go and could he represent us, all of that
18 took place before that.

19 Q. After your call with Karen and before --

20 A. And before that.

21 Q. Okay. Good. Now, did you give Barry any
22 authority to make a counterproposal in that period?

23 A. Well, as I said, I authorized him to
24 enter into negotiations on my behalf. I would
25 assume that that would be included as part of that.

1 Q. Oh, I understand. But did you give him a
2 particular number to --

3 A. He's had a number.

4 Q. But did you give it to him?

5 A. Yes.

6 Q. At that time in one of these calls that
7 we're talking about, where you had --

8 A. He might have asked me if the number was
9 still the same, yeah.

10 Q. He knew of a number?

11 A. He was my attorney for a good part of
12 this whole thing.

13 Q. He was your attorney for about six months
14 in 1988?

15 A. Yeah.

16 Q. The number hadn't changed from then, is
17 what you're telling me, whatever that number was?

18 A. No, I don't think so at that point.

19 Q. About how long after your return from
20 Mexico did this first call with Barry take place?

21 A. I would imagine it would have been the
22 first day.

23 Q. First day back?

24 A. Yeah.

25 Q. In other words, the day of your return?

1 A. Yeah, I assume, unless I got in too late,
2 and it might have been the next day.

3 | (Off the record.)

4 Q. You mentioned that Barry mentioned at
5 some point that the Church didn't want to deal
6 with Ford Greene?

7 A. Yeah.

8 Q. Okay. Karen hadn't told you that, had
9 she?

10 MS. MCRAE: Pardon?

11 Q. Karen hadn't told you that in her phone
12 call, had she?

13 A. I don't think so.

14 Q. Now, during that same time period that
15 you were just focusing on with your calls to Barry,
16 were you aware of whether Vicki had any telephone
17 calls with Barry?

18 A. No, I don't recall.

19 Q. Okay. Did you have any of the phone
20 calls that you described with Barry while Vicki was
21 on the line?

22 A. I don't recall. Sometimes she would be;
23 sometimes she wouldn't. We had a lot of phone
24 calls with Barry over the years, and I really don't
25 recall except to these particular phone calls.

1 Q. But you don't think she called him
2 without you during that period?

3 A. I didn't say that. I said I didn't know.

4 Q. I'm sorry. You didn't know?

5 A. Right.

6 Q. Did you have any further discussions with
7 Ms. McRae about the settlement talks in that time
8 period you're talking about now?

9 A. I'm sure we were keeping her abreast of
10 what was going on.

11 Q. Did you have any discussions about these
12 settlement terms with Tony Wright during that time
13 period?

14 A. I don't recall, one way or the other.

15 Q. Did you ever talk about the settlement
16 talks with Ford Greene during that period?

17 A. I actually don't recall.

18 Q. Did you have any communication with Joe
19 Yanny during that period about the settlement
20 talks?

21 A. No. Well, during what period of time?

22 Q. During the period of time in which you
23 and Barry --

24 A. The first couple of days?

25 Q. Yes.

1 A. I don't recall those first couple of
2 days.

3 Q. Well, I'm talking specifically about
4 that time period in which you had the string of
5 calls with Van Sickle.

6 A. Okay.

7 Q. You talked later with Yanny about it?

8 A. Yes.

9 Q. When you had those talks with Yanny, was
10 that after he became your counsel of record?

11 A. The initial phone calls -- I mean, the
12 initial conversations?

13 Q. Yes.

14 A. I'd have to say no.

15 Q. It was sometime between that series of
16 calls with Van Sickle and the time of Yanny being
17 counsel of record for you in Aznaran that you
18 discussed these settlement talks with Joe?

19 A. Yeah.

20 Q. Did you have any confidence in Ford
21 Greene's ability to take that case through trial?

22 MS. MCRAE: Objection;
23 attorney-client privilege. Instruct him not to
24 answer.

25 Q. Did you ever file a -- by the way,

1 anytime that she, Ms. McRae, instructs you not to
2 answer a question, I'm going to assume that you're
3 going to follow her instruction. Am I safe in
4 doing that?

5 A. Yeah, I think so.

6 Q. Do you have a recollection of filing a
7 declaration in which you stated the reasons for
8 discharging Mr. Greene in June of 1990?

9 A. What's that question?

10 Q. Do you have a recollection of signing a
11 declaration in which you set forth your reason for
12 discharging Mr. Greene in June of 1991?

13 A. I believe so. I seem to recall Barry
14 wanted me to put something together for him.

15 Q. Do you recall Joe at any time wanting to
16 have you put something together for him on that
17 subject?

18 A. No.

19 Q. Do you remember John Elstead asking you
20 to put something together or putting something
21 together for you?

22 A. I don't know. Now that you asked all of
23 these questions, I don't know who asked me.

24 Q. Let me show you one.

25 A. Okay.

1 Q. Maybe that will help.

2 A. Is there more than more or is there just
3 one?

4 Q. I'm going to show you one.

5 MS. MCRAE: There's more.

6 A. Maybe they all asked me.

7 MR. DRESCHER: I'd like this marked
8 as Exhibit 2. It's a declaration of Richard N.
9 Aznaran regarding association of John Clifton
10 Elstead as trial counsel. It appears to be
11 executed the 31st day of July, 1991. Mark that as
12 Exhibit 2, please.

13 (Exhibit No. 2 marked.)

14 Q. Why don't you take a minute and look that
15 over, please.

16 A. This is the declaration.

17 Q. This is a declaration apparently signed
18 by you.

19 A. Okay. There it is.

20 Q. Does that look like your signature there
21 at the bottom of page 2?

22 A. Uh-huh (affirmative).

23 Q. That's a yes?

24 A. Yes.

25 MR. BERRY: This is the second

1 declaration.

2 MR. DRESCHER: Go ahead.

3 MR. BERRY: It's your deposition?

4 A. Okay.

5 Q. Okay. Did you have a chance to look it
6 over?

7 A. Yes.

8 Q. Okay. You've already identified your
9 signature. Do you have a recollection of executing
10 this declaration around the 31st of July last year?

11 A. Well, it stands for itself. I apparently
12 did.

13 Q. You don't dispute it?

14 A. Not at all.

15 Q. Now, if you look at paragraph 4, which is
16 on page 2, previously I was sufficiently concerned
17 about Mr. Greene's ability to handle and maintain
18 the trial of my case, that I replaced him with
19 myself in pro per, and then substituted in Joe
20 Yanny. Now that experienced trial counsel has been
21 retained, I do not foresee any further changes in
22 my representation.

23 Is that true?

24 A. I signed it. I imagine it is.

25 Q. It's true? You believed it to be true

1 when you signed it, right?

2 A. Absolutely.

3 Q. Do you still believe it to be true?

4 A. I guess so.

5 Q. Well, do you?

6 A. Sure.

7 Q. Who drafted this?

8 A. Well, it appears to come from the Hub Law
9 Offices of Ford Greene, Esquire.

10 Q. So the answer is, you don't know who
11 drafted it?

12 A. I guess so.

13 Q. Do you think it came from Mr. Greene's
14 office or maybe Mr. Elstead's? Do you know?

15 A. Stamped Mr. Greene's, so I assume Mr.
16 Elstead does not have a counterfeit stamp of Mr.
17 Greene's.

18 Q. You didn't draft it, though, did you?

19 A. I don't have a counterfeit stamp either.

20 Q. But you didn't draft it?

21 A. Not that I recall.

22 Q. You don't take issue with any of the
23 statements made in there?

24 A. No.

25 Q. Okay. You weren't happy with Mr.

1 Greene's representation before?

2 MS. MCRAE: Objection.

3 A. It says what it says.

4 MS. MCRAE: To go any further, you
5 can ask him about declaration, but any specifics or
6 anything that he feels now, I object on
7 attorney-client privilege and instruct him not to
8 answer.

9 MR. DRESCHER: That's fine. I
10 wasn't about to ask him how he feels now.
11 I'm asking him how he felt prior to June 1991.

12 Q. And the question was, Mr. Greene hadn't
13 done anything to move your case to trial, had he?

14 MS. MCRAE: Objection;
15 attorney-client privilege, instruct him not to
16 answer.

17 MR. BERRY: Also speculation.

18 MS. MCRAE: And calls for a legal
19 conclusion.

20 MR. DRESCHER: I need to put them
21 in writing. I didn't realize it was going to draw
22 that many objections.

23 You're instructing him, right, Ms. McRae?

24 MS. MCRAE: Yes.

25 Q. How much discovery had Ford Greene

1 conducted in your case while he was your counsel?

2 MS. MCRAE: Same objection.

3 Instruct him not to answer. It calls for a legal
4 conclusion. I don't see how this witness can
5 possibly know.

6 MR. BERRY: Object to speculation.

7 Q. How many depositions had Mr. Greene taken
8 in the Aznaran case?

9 A. I want to say something, with all of this
10 other objecting going on. All of this is public
11 record, and I don't recall. It stands for itself.
12 It is what it is.

13 I have to work for a living. I don't
14 make \$45,000 a month. I don't need to be in here
15 to answer questions as to whether the sun's up.

16 Yes, I signed that. It exists. Yes, he
17 did whatever he did. It's public record. Okay? I
18 mean, I don't think you really need me here for
19 that. You can find out in public record if your
20 main concern is how many depositions Ford Greene
21 did.

22 Q. My main concern is what you knew about
23 what Mr. Greene was doing. I know it's a public
24 record. I'm asking you if you --

25 A. Everything that he did, I knew about, as

1 far as I know.

2 Q. Everything he didn't do, you knew about
3 it?

4 A. I guess I did.

5 Q. Okay. So have you reviewed my
6 transcript of my deposition in this case, Mr.
7 Aznaran?

8 A. No, I have not.

9 Q. Okay. That number was reported to you by
10 somebody, wasn't it?

11 A. What number was that?

12 Q. 45,000.

13 A. I remember hearing that somewhere.

14 Q. Do you remember from whom?

15 A. No, I can't think of who it was.

16 Q. I didn't think you would.

17 MS. McRAE: Mr. Berry told him at
18 lunch, told us all.

19 THE WITNESS: That's right. That's
20 what we discussed at lunch, Bill.

21 MR. DRESCHER: I see.

22 MS. McRAE: How much -- what you had
23 to do to get that kind of money.

24 MR. DRESCHER: That's not right.

25 THE WITNESS: Let's not be mean.

1 Come on.

2 MR. DRESCHER: Nobody's being mean.

3 THE WITNESS: I don't want you to
4 feel picked on here. We're all friends.

5 MR. DRESCHER: I don't feel picked.

6 Hell, my daughter started to call me what you
7 called me once.

8 THE WITNESS: What did I call you?

9 MR. DRESCHER: Tweedledum. Well,
10 maybe I was Tweedledee. Earl and I were walking
11 together, and I couldn't figure out which was
12 which.

13 MR. BERRY: We talked about Earl,
14 too.

15 MS. MCRAE: Yeah. We talked about
16 Earl yesterday, too.

17 MR. DRESCHER: It stuck.

18 Made me lose my place.

19 THE WITNESS: I'm sorry.

20 MR. DRESCHER: Not you. You
21 shouldn't be sorry; it's all those objections.

22 THE WITNESS: I know, I lose my
23 place, too.

24 Q. Do you know, as you sit here, how many
25 interrogatories Mr. Greene served?

1 A. I know --

2 MS. MCRAE: I'm going to object to
3 further -- Mr. Drescher, he's already answered that
4 he really doesn't know anything, except for what
5 he's been sent and what's on record, and I think
6 you're wasting time. If you want to get down to
7 some real questions, let's go.

8 MR. DRESCHER: Are you going to
9 instruct him on that one?

10 MS. MCRAE: No.

11 Q. Do you remember the question?

12 A. How many interrogatories.

13 Q. Did he serve?

14 A. No. What I do recall is they never
15 answered any of them, I don't believe.

16 Q. If any can encompass one, you're right.

17 Did you find Mr. Greene hard to reach by
18 phone when he was your counsel?

19 MS. MCRAE: Objection;
20 attorney-client privilege. Instruct him not to
21 answer.

22 MR. DRESCHER: Vicki answered that
23 one yesterday.

24 MS. MCRAE: Well, you know, I think
25 -- he's -- I can play the objection game, too.

1 You're wasting time with this line of questioning.

2 MR. DRESCHER: Karen, I'm just not.
3 There is a specific affirmative defense that Mr.
4 Yanny has pled about conversations between Mr.
5 Van Sickle and Mr. Quinn in my presence, and there
6 is evidence from now three witnesses concerning the
7 substance of those conversations, particularly with
8 regard to those problems that the Aznarans had with
9 Mr. Greene while he was their lawyer, one of which
10 was that he was difficult to reach by phone.

11 Now, that is the specific basis and
12 that's why the question was so narrowly tailored,
13 and I want to know if Mr. Aznaran -- it wasn't a
14 part of the conversation that I'm talking about --
15 wasn't he experiencing difficulty in reaching Mr.
16 Greene by telephone prior to June in 1991.

17 MR. BERRY: The evidence has also
18 been that whatever the difficulties were, it was
19 Van Sickle's demand that they fire Ford Greene that
20 led to that discharge, not those difficulties.

21 MS. McRAE: And --

22 MR. DRESCHER: Are you making that
23 representation?

24 MR. BERRY: That's what I heard
25 yesterday.

1 MR. DRESCHER: I see.

2 MS. MCRAE: In addition, regardless
3 of what the facts are, there's a difference between
4 what the facts are, what the beliefs are and what
5 other people have --

6 MR. DRESCHER: Exactly, and that's
7 why I want to know what he thought, since the
8 subject --

9 MS. MCRAE: You didn't ask him what
10 he thought.

11 MR. DRESCHER: Sure, I did.

12 Q. Did you think it was hard to reach Ford
13 Greene by phone while he was your lawyer?

14 A. Did I think he was?

15 Q. Yes.

16 A. At times.

17 Q. At times it was not so hard, right?

18 A. At times he answered the phone.

19 Q. Okay. Are you aware of any papers that
20 he filed late in the Aznaran case?

21 A. Yes.

22 Q. More than once?

23 A. I don't recall, but again, they stand for
24 themselves. If they were late, they were late; if
25 they weren't, they weren't.

1 Q. More than 20 times?

2 A. Good God, was there more than 20?

3 Q. That's what I'm asking.

4 A. Oh.

5 Q. Are you aware that it was upwards of 20?

6 MR. BERRY: Objection; calls for
7 speculation.

8 MR. DRESCHER: He can answer yes or
9 no, if he knows it. If he doesn't, I don't want
10 him to speculate.

11 A. I don't know.

12 Q. Did you ever talk to Margery Wakefield
13 yourself about Ford Greene?

14 A. I don't think so.

15 Q. Have you ever talked to her at all?

16 A. In my life?

17 Q. Yes.

18 A. Not that I recall.

19 Q. Are you aware that your wife had a
20 telephone call with Ms. Wakefield prior to June of
21 1991?

22 A. I don't know the timing. I know she
23 talked to her.

24 Q. Are you aware of a telephone conversation
25 between Vicki and Ms. Wakefield about Ford Greene?

1 A. Do I remember that phone call?

2 Q. What were you told about it?

3 A. Yes.

4 Q. By whom?

5 A. Vicki.

6 Q. Do you remember what she told you about
7 it?

8 MR. BERRY: Objection; hearsay.

9 MS. MCRAE: Hearsay.

10 MR. DRESCHER: Yes, I know. That's
11 preserved.

12 Q. What did she tell you about it?

13 MS. MCRAE: There is also a husband
14 and wife privilege.

15 A. She -- Margery Wakefield was upset with
16 him, and they filed some kind of papers on him or
17 something in Florida, and I don't remember all of
18 the details.

19 Q. When you say on him, do you mean Ford?

20 A. Yeah.

21 Q. Do you remember anything about those
22 papers? Were you told anything about the papers?

23 MR. BERRY: Same objection; hearsay.

24 A. Just that they cast Ford in a bad light,
25 as I recall.

1 Q. Not that they cast Margery in a bad
2 light?

3 A. I wouldn't have wanted it to be either
4 one of them, but --

5 MR. BERRY: Same objection.

6 Q. Have something to do with commitment
7 papers?

8 MR. BERRY: Objection; hearsay.

9 A. Are we talking about papers he filed or
10 her?

11 Q. First her. You said her.

12 A. Yeah. She filed papers of commitment?

13 Q. I'm asking if any mention of commitment
14 papers were concerned?

15 A. Was she trying to commit Ford? I don't
16 remember that. I don't know. Maybe.

17 Q. Do you remember Ford trying to commit
18 her?

19 MR. BERRY: Objection; hearsay,
20 calls for speculation, lack of foundation.

21 A. I don't know. I mean, I recall that they
22 were definitely at each other down there. Not your
23 normal attorney-client relationship.

24 Q. Third-partied them pretty good, Rick, is
25 that your recollection that she did that, that

1 Margery did that?

2 A. That's a Scientology term. I try to stay
3 away from those.

4 Q. Let me change it back. She talked
5 disparagingly about him to Vicki, didn't she?

6 A. Yes.

7 MR. BERRY: Objection; hearsay in
8 relation, assumes facts not in evidence.

9 THE WITNESS: Boring. No. Is
10 that a valid objection?

11 MR. BERRY: We heard from --

12 MR. DRESCHER: Can we go off the
13 record.

14 (Off the record.)

15 Q. Did your wife ever inform you that she
16 had spoken by telephone with a man named Gutfreund
17 about Ford Greene?

18 A. Yes.

19 Q. Do you remember his first name?

20 A. No.

21 Q. Did she tell you what Mr. Gutfreund said
22 about Ford Greene in her telephone communication
23 with him?

24 A. He'd had some upset with him. I believe
25 he --

1 MR. BERRY: Objection; hearsay.

2 A. I believe he relieved him or fired him or
3 whatever.

4 Q. Do you remember when she told you about
5 this?

6 A. No.

7 Q. Sometime in '91?

8 A. No. I mean, I don't know.

9 Q. Okay. Gutfreund had been a client of
10 Ford Greene's, according to what you heard?

11 A. Yeah.

12 (Off the record.)

13 Q. Apart from what you've already told me
14 about what your wife related to you about Mr.
15 Gutfreund's call to her, do you recall anything
16 else she told you about it?

17 A. No.

18 Q. I'm sorry?

19 A. No.

20 Q. Did you ever get a phone call from any of
21 Ford Greene's clients that called up and complained
22 about him?

23 A. Not that I recall.

24 Q. Did Vicki ever tell you about any other
25 such calls, other than from Ms. Wakefield and Mr.

1 Gutfreund?

2 A. Not that I recall at the moment.

3 Q. All of that took place before June of
4 last year, didn't it?

5 MR. BERRY: Objection; assumes
6 facts not in evidence.

7 A. I believe.

8 Q. Well, Ford was your lawyer at the time
9 that Vicki told you about those reports, wasn't he?

10 A. Yeah.

11 Q. Did anyone ever tell you that Ford had
12 checked into a drug rehab center?

13 MR. BERRY: Objection; relevancy.

14 MS. McRAE: And I am going to
15 object, if a lawyer told him, and instruct him not
16 to answer until he tells me which lawyer.

17 MR. DRESCHER: The question that's
18 out there is only whether he had ever been told?

19 A. I will make that simple. I remember
20 hearing it, but I don't recall from where, and I
21 believe it turned out later that it wasn't true.

22 Q. But you had heard it?

23 A. I heard somewhere, yes, but I don't
24 really recall from who.

25 Q. Do you recall when?

1 A. Sometime while he was my attorney.

2 Q. You found out later it wasn't true?

3 A. Well, I think --

4 MR. BERRY: Asked and answered.

5 A. I think I found out it wasn't true. I
6 mean, my best recollection now, is that it wasn't
7 true.

8 Q. Who told you it wasn't true?

9 MR. BERRY: Objection to the entire
10 line of questioning being irrelevant, and just a
11 further example of discovery abuse, introducing
12 drugs into every single deposition in this case.

13 THE WITNESS: Who's got the drugs?

14 MR. BERRY: I don't know.

15 MS. McRAE: Earl does.

16 MR. BERRY: That's Earl Cooley.

17 THE WITNESS: Blood pressure
18 medicine.

19 MR. DRESCHER: Now, I can attest
20 that the only drugs I've ever seen Earl in
21 possession of were prescription. Let's leave it at
22 that.

23 THE WITNESS: But so was Elvis.

24 Q. And Earl's lasted, hasn't he?

25 A. I saw him at the mall.

1 Q. Were you listening to Elvis music before
2 you came here today?

3 A. Yeah.

4 Q. Because you were humming "Viva Las Vegas"
5 when you came in.

6 A. Was I really?

7 Q. I couldn't figure out if it was Elvis or
8 ZZ Top.

9 A. It was ZZ Top.

10 Q. You notice they don't even object to that
11 line of questioning as being irrelevant.

12 MR. BERRY: I'd rather him sing
13 "Oklahoma."

14 A. Yeah, it was ZZ Top.

15 Q. Not bad.

16 Listen, on the subject of Mr. Greene, the
17 truth is, you had already reached the opinion that
18 you stated in paragraph 4 of Exhibit 2 before June
19 of 1991 about Mr. Greene's ability to take you
20 through trial, hadn't you?

21 A. I don't know.

22 Q. You're not sure?

23 A. My opinion is a constantly evolving
24 thing, and I know that that's what it was on that
25 date. I don't recall at what point of its

1 evolution it was prior to that.

2 Q. And you have no recollection of what your
3 opinion was two months before that date?

4 A. No.

5 Q. Two years before that date?

6 A. No.

7 Q. Or anytime in between?

8 A. No.

9 Q. Have you, to the best of your
10 recollection, told me all that you can remember
11 about the substance of your sequence of telephone
12 calls with Mr. Van Sickle concerning settlement
13 talks in the Aznaran case in May, early June?

14 A. Yes.

15 MS. McRAE: Objection. I -- you're
16 trying to paint him into a corner, and he answered
17 the specific questions, and for you to say, have
18 you told me everything, without asking him a
19 specific question, it's unfair.

20 MR. DRESCHER: I was trying to speed
21 it along, but I think he answered the question.

22 A. All that I can recall at this moment.

23 (Witness and counsel confer.)

24 THE WITNESS: That's Cooley's
25 tactic.

1 MS. MCRAE: No. That's a Van Sickle
2 objection.

3 Q. So how do you want to leave it, Rick?

4 A. All that I recall.

5 Q. Did you have any face-to-face discussions
6 with Van Sickle since May or June, when this talk
7 about settlement began, to the present?

8 A. I don't think so.

9 Q. When was the last time you were in
10 California?

11 A. I don't know. You'd have to ask your PI.

12 Q. But that would be hearsay and he would
13 object. I'm asking you.

14 A. I don't know. Seems like it was Joe's
15 trial. I don't recall specifically being there
16 since then.

17 Q. Have you ever been to Ford's office?

18 A. Yeah.

19 Q. But not since Joe's trial?

20 A. Actually, I think I have.

21 Q. About when was that?

22 A. I don't know. I went up there -- again,
23 you've got the documentation, but I went to see
24 Margaret Singer and Ford.

25 MR. BERRY: By documentation, do you

1 mean investigators logs?

2 THE WITNESS: That, and they've also
3 got the reports from Margaret Singer.

4 Q. It was the exam in the Aznaran case?

5 A. Yes.

6 Q. That's the only other time you think you
7 might have been in California?

8 A. Since --

9 Q. Yes.

10 A. -- last June, yeah. And I'm not even
11 sure that was since last June.

12 Q. Since the first Yanny trial?

13 A. Yeah.

14 Q. I want to focus momentarily on that time
15 period in which you had a series of telephone calls
16 with Barry about similar talks that you've already
17 testified about.

18 A. Before we focus, could we have a short
19 break?

20 Q. Sure. We'll be happy to. And I will try
21 to figure what that last question I gave to you
22 really means.

23 (Recess taken.)

24 Q. All right. Focusing only on the time
25 period in which you already testified about that

1 series of telephone calls with Van Sickle about
2 settlement proposals, during that same time period,
3 did you discuss the settlement of your case at any
4 time with Toby Plevin?

5 A. I could well have. During that period of
6 time I was talking to Toby a lot. I actually don't
7 recall at this particular point in time whether I
8 specifically did or not.

9 Q. Were you talking to Toby about coming in
10 as counsel of record for you in the Aznaran case
11 during that period of time?

12 A. Yeah. Prior to that, actually, I had
13 been talking to Toby and Barry.

14 Q. Did you ever, in that same period of time
15 in which you had the calls with Barry you testified
16 about, did you discuss those settlement proposals
17 or talks with Ford Greene?

18 A. Ask me that question again. I'm sorry.

19 Q. In that same period of time in which
20 those phone calls --

21 A. Between the call in Mexico and firing
22 Ford?

23 Q. Between the call in Mexico and whatever
24 the last of your calls was with Barry. All right,
25 fine. Between the call in Mexico and firing Ford?

1 A. I think you already asked that.

2 Q. Whether you had talked to Ford about
3 settlement?

4 A. Yes. And I told you I didn't really
5 recall.

6 Q. Okay. If I did, I'm sorry. I didn't mean
7 to.

8 A. I know, you're just trying to pin my ass
9 down.

10 Q. Other than the folks you've already
11 talked to in that time frame, did you talk to
12 anybody else about the settlement proposals?

13 A. Not that I recall.

14 Q. How about Bent?

15 A. Who.

16 Q. Bent Corydon.

17 A. I could have. I don't recall.

18 Q. Now, you just told me that prior to
19 period of time, late May or early June, you talked
20 about Barry coming back as your counsel of record.
21 Did he decline at that time?

22 A. I missed the first part of the question.

23 Q. I'm sorry. You told me just a minute ago
24 that prior to that period which started with
25 Karen's phone call to you in Mexico and the firing

1 of Ford, that you talked --

2 A. I believe it was prior to, both Toby and
3 Barry.

4 Q. Did Barry decline to come on as counsel?

5 A. No. Barry at the time --

6 MS. MCRAE: Okay. Object

7 attorney-client privilege, unless this won't be
8 construed as a general waiver. You asked about the
9 time before, so that's why I'm interjecting.

10 MR. DRESCHER: Yes, I understand.

11 MS. MCRAE: We have an agreement?

12 MR. DRESCHER: Yes.

13 A. What was the question? Ask me again.

14 Q. Did Barry tell you why -- what did Barry
15 say?

16 A. No. Barry did not indicate that he
17 wouldn't. In fact, he indicated that he would, but
18 he was at the same time negotiating the settlement
19 for Corydon, and it was a real hot and cold sort of
20 thing. At one point it would be like, yeah, and
21 the next point, well, I don't want to mess up this
22 Corydon settlement and like that.

23 Q. Did Toby agree, in that period before
24 Karen's call, to become counsel of record?

25 A. She had indicated a willingness to help

1 out, but then it was more or less the same sort of
2 thing where they had a duty to Bent, and they were
3 concerned that they didn't want to mess that up.

4 Q. In the period before your call with Karen
5 in Mexico, you know, in the six months, say,
6 preceding that call, did you ever talk with a Joe
7 Yanny about Barry becoming your counsel of record
8 in Aznaran?

9 A. I believe so, yeah.

10 Q. Do you recall about when?

11 A. No. Again, I talked to Joe, you know, I
12 don't know -- I mean, I talked to him, and I don't
13 recall one conversation over the other or
14 something.

15 Q. Do you remember what Joe said about Barry
16 coming on as your counsel of record?

17 MS. MCRAE: Now, are we still
18 talking about the same period of time and the same
19 agreement on limited waiver?

20 MR. DRESCHER: Yes and yes, and we
21 will keep talking about the same time period until
22 I indicate otherwise.

23 MS. MCRAE: Okay.

24 Q. Is that okay with you, Rick?

25 A. Cool with me. What was the question?

1 Q. What Joe told you about Barry --

2 A. I'm not sure he told me anything about
3 it.

4 Q. Didn't express an opinion, one way or the
5 other?

6 A. Not that I really recall.

7 Q. During that same period did you ever talk
8 to Ford about the possibility of Barry coming on as
9 counsel?

10 A. Yes, I did.

11 Q. What was Barry's reaction?

12 A. Happy to have him.

13 Q. In that same time period before that
14 call to Karen in Mexico, did you talk with anyone
15 else about Barry coming on as counsel of record in
16 Aznaran?

17 A. Not that I recall.

18 Q. Did you talk to Karen about it?

19 A. Yeah, I could well have.

20 Q. How about Tony Wright?

21 A. Could well have.

22 Q. Do you recall what Karen's reaction was
23 to that suggestion?

24 A. No.

25 Q. Tony's reaction?

1 A. Wait a minute. I did specifically talk
2 to Karen about it.

3 Q. What did she tell you?

A. Let me ask her something.

5 Q. Sure.

6 (Witness and counsel confer.)

7 A. Yeah. Barry had indicated that -- I
8 actually recall now that Barry had strongly
9 indicated that he would -- well, I told you, you
10 know, he was hot and cold. I guess it was one of
11 these hot periods where he was indicating that he
12 was about to jump back in. Karen had agreed to
13 help him out by putting some papers together for a
14 motion for reconsideration for the judge.

15 And I also recall that Barry had been
16 talking to Church attorneys about it, asking
17 whether they would agree to let him come back in,
18 from time to time, and from my understanding from
19 Barry, was that they -- while they didn't say yes,
20 they didn't rule it out either.

21 Q. That's before your call with Karen from
22 Mexico?

23 A. Yeah.

24 Q. Anything else that you recall about
25 discussing Van Sickle coming in, with Karen?

1 A. Anything else I recall, what?

2 Q. Karen talking about with you, concerning
3 Van Sickle --

4 A. Well, just that general subject. I'm
5 sure there was more than one conversation.

6 Q. That's the substance you remember of the
7 conversations?

8 A. Yeah.

9 Q. Okay. Again, before your call from
10 Mexico to Karen, in that six-month period before or
11 so, did you ever talk with Joe Yanny about becoming
12 counsel of record for you in Aznaran?

13 A. No.

14 Q. Did you ever talk with Van Sickle about
15 the possibility of Yanny coming on as counsel for
16 you?

17 A. Before -- back up again to my no. No,
18 not that I recall.

19 Q. Okay.

20 A. No, not that I recall, to that question,
21 either.

22 Q. As to talking to Van Sickle about Joe
23 coming in?

24 A. Right.

25 Q. Did you ever talk with Ford during that

1 period about the possibility of Yanny coming in as
2 co-counsel or counsel for you in the Aznaran case?

3 A. Not that I recall right now.

4 Q. Do you recall in that same period talking
5 with anybody about the possibility of Joe coming on
6 as counsel of record for you in the Aznaran case?

7 A. We're talking about at that earlier
8 period?

9 Q. We're talking about that six months or so
10 before your call to Karen.

11 A. Not that I recall.

12 Q. Not even with Vicki?

13 A. No, not that I recall.

14 THE WITNESS: Can we make it not
15 quite so cold in here.

16 (Off the record.)

17 Q. In that same period, those six months or
18 so before your call to Karen from Mexico, did you
19 talk to Karen about the possibility of her becoming
20 counsel for you in the Aznaran case?

21 A. I'm sure we did.

22 Q. More than one occasion?

23 A. I don't recall.

24 Q. Did she agree to do it?

25 (Witness and counsel confer.)

1 A. Okay. Ask me the question again.

2 Q. Did she agree to become counsel for you
3 in the Aznaran case?

4 A. She indicated a willingness from time to
5 time.

6 Q. She was blowing hot and cold, too?

7 A. No. Just that the various things that
8 would come up. For example, Barry was supposed
9 to -- was going to do it, and then she was
10 pregnant, and there was a lot of stuff going on.

11 MS. MCRAE: Restraining orders.

12 Q. Well, we're only talking about the
13 six-month period before your call to her from
14 Mexico. There wasn't any restraining order on her
15 in that period of time, was there?

16 A. Not to my knowledge, no.

17 Q. Not that it mattered.

18 A. What's that supposed to mean?

19 MR. DRESCHER: You testified to
20 having violated it, Karen.

21 MS. MCRAE: I never was found to
22 have violated it.

23 MR. DRESCHER: He said he wasn't
24 going to take any action on the admitted violation.

25 MS. MCRAE: I never was found to

1 have violated that restraining order.

2 THE WITNESS: This is my deposition,
3 no arguing.

4 MR. DRESCHER: You're right. I'll
5 talk to you.

6 THE WITNESS: I get to argue.

7 MR. DRESCHER: I'll talk to you.

8 THE WITNESS: Okay.

9 Q. During that same six-month period or so
10 before your call to Karen from Mexico, did you talk
11 to Tony Wright about the possibility of becoming
12 counsel of record for you in the Aznaran case?

13 A. Well, he was partners with Karen, so I'm
14 sure that was all part and parcel.

15 Q. You anticipated both of them, in other
16 words -- was it Wright & McRae or McRae & Wright?
17 I don't remember.

18 A. Whatever.

19 Q. You were thinking in terms of Karen and
20 Tony as a parlay?

21 A. Yeah.

22 Q. And he had the same view as Karen on the
23 subject?

24 A. You'd have to ask him that.

25 Q. He never expressed it to you?

1 A. His view as what?

2 Q. As to whether he would be willing to join
3 her as a counsel of record for you and Vicki in the
4 Aznaran case.

5 A. I believe he had.

6 Q. What did he say?

7 A. I don't recall.

8 Q. But to your mind, he was of the same mind
9 as Karen on that subject during that period?

10 A. Again, you need to ask him that. I mean,
11 whether they're of the same mind or not, I could
12 only speculate.

13 Q. Did Tony ever tell you that he wouldn't
14 be counsel of record for you?

15 A. Not that I recall.

16 Q. Did you ever ask him to be counsel of
17 record for you in the Aznaran case?

18 A. Not that I recall.

19 Q. So he never told you that he would
20 either, then?

21 A. He has been asked to assist from time to
22 time, and he always expressed a willingness to
23 assist.

24 Q. He's handled depositions here in Dallas
25 in the case, hasn't he?

1 A. He has in the past.

2 Q. But you never asked him to take on the
3 case as counsel of record?

4 A. No. I felt it was probably some real
5 practical -- well, never mine.

6 Q. Well, you would need a local counsel,
7 too, if Karen and Tony came on board for you,
8 wouldn't you?

9 A. That case is in Los Angeles.

10 Q. So you would have needed a local counsel?

11 A. I don't know whether I would or not.

12 Q. Toby indicated a willingness, prior to
13 your call from Mexico to Karen, to be local
14 counsel, didn't she?

15 MS. MCRAE: Objection;
16 mischaracterizes the testimony.

17 MR. DRESCHER: I'm not
18 mischaracterizing the testimony. I'm asking a
19 question.

20 A. What's the question?

21 Q. The question is, at any time in the
22 period of six months or so before you called Karen
23 from Mexico, did Toby agree to become local counsel
24 for you and Vicki should Karen and/or Toby become
25 counsel of record?

1 A. I don't recall that specific scenario.

2 Q. Was she asked about that specific
3 scenario?

4 A. I don't know. I don't recall. As I
5 said, Toby was pretty much tied up with a -- trying
6 to get Bent's case settled.

7 Q. Did you have any discussions with Joe
8 Yanny in the time period, about Karen coming on as
9 counsel for you and Vicki in the Aznaran case?

10 MR. BERRY: Objection; asked and
11 answered.

12 MR. DRESCHER: No, that one wasn't.
13 That particular one wasn't.

14 A. I don't recall.

15 MR. DRESCHER: The earlier question
16 was, did she talk to Joe about Barry coming on.

17 THE WITNESS: You need a Demerol,
18 kid.

19 Q. Did you ever talk with Ford Greene about
20 Karen McRae becoming counsel of record for you in
21 the Aznaran case?

22 A. Not that I recall.

23 Q. We're still in that same time period.
24 Did you ever have any discussion with Barry
25 Van Sickle about Tony Wright becoming counsel of

1 record for you in the Aznaran case, apart from
2 Karen?

3 A. Not that I recall.

4 MR. BERRY: By counsel of record, do
5 you mean associating in along with Ford Greene?

6 MR. DRESCHER: No. I mean the
7 broadest, either associating in or substituting in.

8 MS. McRAE: Either one?

9 MR. DRESCHER: Yes.

10 Q. Do you understand that?

11 A. Yeah, I'm cool.

12 Q. You've had that broad sort of definition
13 in mind?

14 A. Yeah.

15 Q. Yeah?

16 A. Yeah.

17 Q. Good. Did you ever have any discussions
18 with -- in that same time period, with Joe Yanny
19 about Toby coming in as counsel of record for you
20 in the Aznaran case?

21 A. Not that I recall.

22 Q. All right. The same question as to Ford
23 Greene, did you ever have any discussions with
24 Ford --

25 A. He was already counsel of record.

1 Q. Did you ever have any discussions with
2 Ford about Toby joining him or replacing him?

3 A. Not that I recall.

4 Q. In that period before, that same
5 six-month period before you had your phone call
6 with Karen when you were in Mexico, did you talk to
7 anybody else about becoming counsel of record for
8 you in the Aznaran case in place of or with Ford?

9 A. I'm sorry?

10 Q. That's all right. I'll run it by you
11 again. In that same period of time we've been
12 focusing on, the six months or so before your call
13 to Karen from Mexico, did you discuss with anyone
14 else, any other lawyer, the possibility of that
15 person becoming counsel for you and Vicki in the
16 Aznaran case?

17 A. Are you talking about during the period
18 when I had a counsel of record?

19 Q. Yes.

20 A. No.

21 Q. I'm talking about that period of six
22 months --

23 A. Not that I recall.

24 Q. All right. Did you ask anyone in that
25 period for any suggestions of whom you might

1 consult to be a lawyer for you during that same
2 period?

3 A. This is other than Barry or Toby, you're
4 talking about?

5 Q. Other than what I've already asked.

6 A. Not that I recall.

7 Q. And that same period, those six months or
8 so before you spoke with Karen from Mexico, did you
9 have any discussions whatsoever with Ford Greene
10 about replacing him as your counsel in the Aznaran
11 case?

12 A. No.

13 MR. DRESCHER: I'd like to mark as
14 Exhibit 3 a substitution of attorney form in the
15 Aznaran versus Church of Scientology of California,
16 et al, and I'm going to ask the witness to see if
17 he can identify it as soon as we have it marked by
18 the court reporter.

19 (Exhibit No. 3 marked.)

20 (Off the record.)

21 A. Okay.

22 Q. Okay. Do you recognize having seen that
23 document before?

24 A. Yes, I do.

25 Q. Okay. Looks like there are three places

1 for your signature or three places where your
2 signature appears. Is that your count, too?

3 A. Yeah.

4 Q. Okay. Is it your signature in all three
5 places?

6 A. Yeah.

7 Q. Okay. Do you remember executing it on or
8 about the 27th day of June, 1991?

9 A. Yeah.

10 Q. Where did you sign it?

11 A. Those three places.

12 Q. Where did you sign it geographically?

13 A. In Dallas I'm sure.

14 Q. Those are your signatures, right?

15 A. Yeah.

16 Q. Okay. You're looking at pages 2 and 3.

17 I'm not going to ask you anything about them.

18 You're welcome to look.

19 Also on page 1 of that document, next to
20 the last signature, are you familiar with Joe
21 Yanny's signature?

22 A. Yes.

23 Q. Does that look like it to you?

24 A. Looks like it to me.

25 Q. Did Joe send this to you?

1 A. I'm sure he did.

2 Q. Is it your recollection, Rick, that you
3 signed this on about the 27th of June, when you
4 dated it?

5 A. Yeah.

6 Q. Okay. Good. Now, reason that I went
7 through that is for this. Now --

8 MR. BERRY: Is this the coup de
9 grace?

10 MR. DRESCHER: No.

11 THE WITNESS: Now he pins my ass to
12 the wall.

13 MR. DRESCHER: I don't do coup de
14 grace.

15 Q. If you look at Exhibit 1 again --

16 A. Yeah.

17 Q. -- do you see that on June 11, 1991, you
18 signed the substitution of attorney for you to come
19 in pro per and for Ford Greene to come out of the
20 case, right?

21 A. Yes.

22 Q. Do you see on the substitution of
23 attorney, Exhibit 3, you've got the 27th of June as
24 the date that you signed that, in which you
25 substitute yourself out as pro per and Yanny in?

1 A. Yes.

2 Q. The next series of questions is going to
3 focus on the time period between the 11th of June
4 and the 27th June of 1991?

5 A. Got it.

6 Q. Do you like the way I did that?

7 A. Yes. That was good. It's called
8 bracketing.

9 Q. Exactly. Within that time frame I'm
10 going to be asking you basically the same questions
11 I just asked about the earlier six-month period.

12 MR. DRESCHER: And if you want to
13 have the stipulation that it's not a waiver of the
14 attorney-client privilege, you've got it.

15 MS. MCRAE: Okay.

16 MR. DRESCHER: Until further notice,
17 the time period we're focusing on is that period
18 between the 11th of June 1991 and the 27th of June,
19 1991.

20 Q. Got it?

21 A. Yes, sir.

22 MS. MCRAE: If you start to talk
23 about something else, then I need to assert the
24 attorney-client privilege, so just limit it to
25 those.

1 THE WITNESS: Okay.

2 Q. Okay. In that time frame, Mr. Aznaran,
3 did you have any discussions with Mr. Van Sickle
4 about becoming counsel of record for you in the
5 Aznaran case?

6 A. Yes.

7 Q. How many occasions?

8 A. I have no idea.

9 Q. More than once?

10 A. Yes.

11 Q. By phone?

12 A. Yes.

13 Q. Exclusively?

14 A. Yes.

15 Q. Did he agree to do it?

16 A. At this point he was all -- he was kind
17 of freaked out.

18 Q. What did he tell you that made you draw
19 that conclusion?

20 A. Well, in order to -- I'll have to give
21 you a little narrative. Basically what happened
22 was after he had contacted us and said that you
23 guys, meaning Church attorneys, weren't wanting to
24 deal with Ford and that he was going to represent
25 us in settlement negotiations, so we subsequently

1 fired Ford. And then immediately after that,
2 Church attorneys filed these humongous summary
3 judgment motions against us while we were pro per.

4 At that point -- I don't know whether
5 Barry admits it at this point, or he ever admits
6 that he got duped on that whole thing. He more or
7 less realized it at that period of time in our
8 conversations that we'd all been duped by the
9 Church, and now here we were with no attorneys and
10 summary judgment motions filed against us.

11 So things were kind of weird right then,
12 and Barry -- because the Church was stringing them
13 along, is what Barry told me anyway, that they were
14 basically keeping him right on the edge of his seat
15 on Bent Corydon's settlement, both him and Toby and
16 making it look like that they were just almost
17 there, but just couldn't quite get there and just
18 dragging it on and on, but he always felt like he
19 was in a position, they both were, you know, that
20 it was going to settle any day, and then he could
21 help us out.

22 But they drug it out, and it became
23 obvious at that point that Barry wasn't going to be
24 able to help us out. Here we had summary judgment
25 motions file against us, and if we didn't respond,

1 we'd be losing basically the whole case, I guess.

2 And during that period, Barry -- like I
3 say, him and Toby both were like, oh, yeah, we're
4 going to have this behind us, meaning Corydon, any
5 moment, and then we can get in with yours, and it
6 just got -- realized that that wasn't going to
7 happen. We were between a rock and a hard place.

8 Q. So the answer is yes and no?

9 A. The answer's what I said.

10 Q. During that same period -- by the way --

11 A. Yes.

12 Q. Let's jump back to that late May or early
13 June period for just one question here, maybe two.

14 MS. MCRAE: Same stipulation?

15 MR. DRESCHER: Yes, the same as we
16 had when we discussed that period. I'm going to go
17 back to his phone call to you, Ms. McRae.

18 MS. MCRAE: Okay.

19 Q. In that phone call, Mr. Aznaran, did you
20 ask her to call Barry Van Sickle and convey to him
21 the substance of the call that you had with Ms.
22 McRae?

23 MS. MCRAE: Did he ask who?

24 MR. DRESCHER: You.

25 MS. MCRAE: Oh.

1 Q. Did you ask Karen to call Barry and tell
2 him --

3 A. I'm sure that would have been part of it.

4 Q. Do you know whether she did?

5 A. No.

6 Q. Did anyone tell you that she did?

7 A. I don't recall.

8 Q. All right. Let's go back again to that
9 period between the 11th of June and the 27th of
10 June, 1991.

11 A. Okay.

12 Q. In that period, I guess that's the --
13 well, that's most of the period. It's more than
14 the period in which you were pro per. Is that
15 correct?

16 A. What are we talking about?

17 Q. You were on pro per in the Aznaran
18 case --

19 A. This period from here to here I was pro
20 per. I thought that was the period we were going
21 back to.

22 Q. That's the period, but you didn't
23 technically become pro per in the Aznaran case
24 until sometime after the 11th. Isn't that right?

25 A. Oh, okay. Whenever the judge signed it.

1 MS. MCRAE: You're asking for a
2 legal conclusion.

3 MR. DRESCHER: Well, he answered
4 correctly.

5 A. For all practical intents and purposes,
6 I was proper.

7 Q. I think that's the way we'll view it for
8 those questions, and we're talking about the 11th
9 to the 27th.

10 (Off the record.)

11 MS. MCRAE: Are we talking about
12 the date that Ford signed it?

13 MR. DRESCHER: No.

14 MS. MCRAE: Because I think that's
15 his understanding.

16 Q. Is that your understanding? You're
17 talking about --

18 A. I don't know what the hell you're talking
19 about.

20 MR. DRESCHER: I'm talking about the
21 date Rick signed it, the 11th.

22 MS. MCRAE: Okay.

23 THE WITNESS: What?

24 MR. DRESCHER: I'm answering Karen's
25 question.

1 Q. You've got that period in mind, from the
2 11th of June to the 27th of June?

3 A. Yeah.

4 Q. The time that you were pro per?

5 A. Right.

6 MR. BERRY: Even though he was
7 effectively pro per after Ford signed it.

8 MR. DRESCHER: That's not true.

9 THE WITNESS: In my mind, I was.

10 MR. DRESCHER: In the United States
11 District Court, you're not. I guess in state court
12 he would have been.

13 MS. McRAE: Uh-huh (affirmative).

14 Q. Now, in that time period from the 11th to
15 the 27th of June, '91, did you talk to Ms. McRae
16 about coming in and being your counsel of record?

17 (Witness and counsel confer.)

18 (Off the record.)

19 Q. Have you got the question in mind?

20 A. I think so.

21 Q. Okay.

22 A. During that time did we talk to Karen?

23 Q. About Karen becoming counsel of record
24 for you. When you say we, I mean you.

25 A. Actually, I'm going to have to say I

1 don't recall. There's this thing that I've already
2 discussed with you, the overlying thing about both
3 Karen and Tony, which was that they're in Dallas
4 and the case is in California.

5 Q. So you're not certain whether you talked
6 to either one of them about becoming counsel of
7 record during that --

8 A. During that period of time, because, I
9 mean, for one -- that wasn't going to -- I don't
10 even know if I even need to get into all those
11 other considerations involved, but I don't
12 specifically recall talking to them about it
13 during that period.

14 Q. Ms. McRae had given birth sometime before
15 that time, hadn't she?

16 A. Oh, yes.

17 MS. MCRAE: You're talking about the
18 wrong summer. We're talking two summers ago.
19 Let's get that straight.

20 MR. DRESCHER: Let's go off the
21 record a second.

22 (Off the record.)

23 Q. Ms. McRae and Mr. Wright's partnership
24 was in the process of breaking up then?

25 A. I don't think so.

1 MR. BERRY: Objection; assumes
2 facts not in evidence.

3 A. I don't know. I don't recall.

4 Q. Do you know whether their partnership did
5 break up?

6 A. Yeah.

7 Q. You have no recollection of when that
8 took place?

9 A. I don't think it's been a year.

10 Q. Pardon.

11 A. Maybe it has. I don't know.

12 Q. Pardon?

13 A. I said I didn't think it had been a year,
14 but maybe it has.

15 Q. I'm asking if it was -- were they
16 partners -- were Karen McRae and Tony Wright
17 partners in that period from June 11th --

18 A. I believe so, yes.

19 Q. For the entire period?

20 A. I believe so, yeah.

21 Q. Take a look at Exhibit 3, if you will,
22 for a second.

23 A. Got it.

24 Q. Joe Yanny sent you that form, right? You
25 already testified to that. I mean, to the best of

1 your recollection, he did?

2 A. Yeah.

3 Q. Do you recall how he sent it to you?

4 A. Actually, no. I would assume he sent it
5 by mail, from the looks of it.

6 Q. Not by fax?

7 A. It could have been by fax. I just don't
8 see a fax header, I mean, a fax notation on it.

9 Q. So by the dates it came from Mr. Yanny's
10 office to you, you signed it, and then you sent it
11 back to him?

12 A. Yeah.

13 Q. And it appears he signed it afterwards.

14 Is that your recollection?

15 A. It is -- I mean, the dates are --

16 Q. I know the dates are there.

17 A. I feel that's like, come on, let's quit
18 spinning our wheels. What's the point. Yeah,
19 obviously I mailed it back, he got it and it got
20 filed.

21 Q. He Federal Expressed it?

22 A. Whatever.

23 Q. You don't have a recollection, as you sit
24 here?

25 A. Not as I sit here.

1 Q. We're back to that June 11th to June 27th
2 period with the same stipulations. In that period,
3 did you talk to Toby Plevin specifically about
4 being counsel in any other respect than you've
5 already described?

6 A. Not other than I've already described.

7 Q. And that period -- and I am excluding Joe
8 Yanny from this question. In that period did you
9 talk to any other lawyers about becoming your
10 counsel of record in the Aznaran case?

11 A. That's other than --

12 Q. Other than Barry Van Sickle, Toby Plevin,
13 Karen McRae, Tony and Joe Yanny.

14 A. Not that I recall, but to keep things in
15 the proper perspective, you've got to keep in mind
16 that Barry kept us hanging, appearing he was going
17 to become our counsel, come back in our case, right
18 up to the last minute. In other words, we thought
19 we had that problem solved.

20 Q. Okay. Now, during that period --

21 A. To a degree, anyway. Sorry.

22 Q. Are you finished?

23 A. Yeah.

24 Q. During that period of June 11 to June 27,
25 1991, you did discuss Joe Yanny coming on as

1 counsel of record for you?

2 A. During when?

3 Q. That same period, June 11 to June 27,
4 1990.

5 A. Obviously sometime before the 27th.

6 Q. Sometime after the 11th?

7 A. Yes.

8 Q. About when in that time period?

9 A. I think probably when it looked like we
10 were about to get hung out to dry and that both
11 Barry and Toby were both not going to be in a
12 position to come into our case.

13 Q. Closer to the 27th than the 11th?

14 A. I would assume so, yeah.

15 Q. You don't have a recollection, as you sit
16 here?

17 A. Actually, I would say it's safe to say it
18 was closer to the 27th.

19 Q. How much closer?

20 A. A lot closer.

21 Q. About the 23rd?

22 A. I don't know.

23 Q. Do you remember what day of the week the
24 23rd was?

25 A. No.

1 Q. I do.

2 A. What day was it?

3 Q. Sunday.

4 A. Thank you.

5 Q. That's okay. It's my birthday.

6 A. Happy birthday.

7 Q. Thank you very much. It's a little
8 early.

9 Was it in the period like three or four
10 days before you executed the substitution of
11 attorney marked as Exhibit 3 that you --

12 A. I wouldn't necessarily say it was three
13 or four days. It could have been five. I really
14 don't recall.

15 Q. Within a week, though, of the 27th?

16 A. I think that would be probably safe to
17 assume.

18 Q. Were the discussions with Mr. Yanny by
19 telephone?

20 A. Yes, they were.

21 Q. Exclusively?

22 A. Yes.

23 Q. Was there more than one?

24 A. I'm sure there was, yes.

25 Q. Did you personally have more than one

1 phone call with him during that period?

2 A. Yes.

3 Q. To your knowledge, did your wife have any
4 telephone calls with Mr. Yanny during that period?

5 A. I don't recall.

6 Q. Did she ever tell you about any calls she
7 had with Mr. Yanny during that period?

8 A. I don't recall.

9 Q. Okay. Did you ask Mr. Yanny to become
10 counsel of record for you in the Aznaran case at
11 that time?

12 MS. MCRAE: And this is what
13 period?

14 MR. DRESCHER: This is that week or
15 so before the 27th of June, 1991.

16 MR. BERRY: Including the day or so
17 before?

18 MR. DRESCHER: Yes, up to and
19 including.

20 A. If by that question you're trying to pin
21 me down as to whether he volunteered or I asked
22 him, I can't recall at this second.

23 Q. To your knowledge, were the
24 communications that led to Mr. Yanny becoming your
25 counsel record, conducted between you and him?

1 A. Yeah.

Q. Not between your wife and him?

A. Well, it might have been both.

4 Q. Okay. Not between Mr. Van Sickle and
5 him?

6 A. I don't recall whether they discussed it
7 or not.

8 Q. They didn't in your presence, to your
9 recollection?

A. They were not in my presence.

11 Q. Was Mr. Van Sickle ever on the phone with
12 you and Yanny during that week period?

13 A. Not that I recall.

14 Q. All right. And forgive me if I missed
15 it. You said you can't recollect whether he
16 suggested it or you suggested it, or you have said
17 you suggested that he represent you?

18 A. I said that I didn't recall.

19 | (Off the record.)

20 Q. Irrespective of who suggested it,
21 sometime between -- before the 27th of June, Mr.
22 Yanny agreed to become your counsel of record in
23 the Aznaran case?

24 A. I don't believe anybody was holding a gun
25 to his head when he signed that paper, no.

1 Q. In other words, he agreed?

2 A. The paper stands for itself.

3 Q. Did he tell you he'd do it?

4 A. You mean prior to him signing the paper?

5 Q. Yes.

6 A. Did he tell me he was going to sign the
7 paper?

8 Q. Yes.

9 A. Okay. Yes. These are getting into these
10 ridiculous questions again.

11 Q. Jeez, I'm sorry.

12 A. That's okay. Just work on it.

13 MS. McRAE: Please note Rick's
14 objection.

15 Q. At any time during the period between --
16 I'm changing the time period, so stay awake --
17 anytime between the period between your call to Ms.
18 McRae from Mexico and the time Mr. Yanny agreed to
19 become counsel of record for you and your wife in
20 the Aznaran case, did you inform Mr. Yanny that you
21 had been told that the Church had made as a
22 condition to settlement talks the removal of Mr.
23 Greene?

24 A. Yes.

25 Q. Did you tell him that yourself?

1 A. Yes.

2 Q. Did he know it when you told him?

3 A. I don't know. I don't recall.

4 Q. Okay.

5 A. One thing -- off the record.

6 MR. DRESCHER: Sure. Off the
7 record.

8 (Off the record.)

9 Q. To your knowledge, Mr. Aznaran, when you
10 informed Mr. Yanny of what you had been told about
11 a demand that Ford Greene be removed as your
12 counsel, did he indicate that he was aware of that?

13 A. Didn't I just say I didn't recall?

14 Q. I wasn't sure. I kind of lost it when
15 you asked to take a break.

16 So the answer is, you don't recall?

17 A. No.

18 (Off the record.)

19 (Exhibit No. 4 marked.)

20 MR. DRESCHER: During the break
21 being I asked the reporter to mark as Exhibit 4 a
22 declaration of Richard N. Aznaran dated July 1,
23 1991. I just handed one to him and a copy to Ms.
24 McRae. Actually, I handed Exhibit 4, as marked, to
25 Mr. Aznaran.

1 Q. Take a minute, if you will, to look it
2 over and see if you recognize that document.

3 | (Off the record.)

4 Q. Mr. Aznaran, have you had a chance to
5 look at that document?

6 A. I'm still looking. Well, this sure looks
7 like what happened.

8 Q. All right. And that looks like your
9 signature on page -- what's numbered page 9?

A. Uh-huh (affirmative).

11 Q. Yes.

12 A. Yeah.

13 Q. Okay. And do you have any reason to
14 doubt you signed it on or about the 1st day of
15 July?

16 A. NO.

17 Q. Okay. And the statements in here are
18 true and correct; is that right?

19 A. Yeah.

20 | (Off the record.)

21 Q. Let me have you look at paragraph 3 of
22 Exhibit 4 for a second.

23 A. Okay.

24 Q. It says there, within the last two weeks
25 I have had a series of conversations with Barry

1 Van Sickle concerning one John J. Quinn, who is an
2 attorney for defendant Scientology.

3 A. Yeah. Looks like that's wrong. Looks
4 like it should have been a little over two weeks.

5 Q. Your recollection now is it was more than
6 two weeks before the 1st of July?

7 A. My recollection is, I look at the dates
8 on these documents and I see that it obviously was.

9 Q. What was your reason, then, for signing
10 on July 1st, 1991 that it was within the last two
11 weeks?

12 MS. MCRAE: Now, do we have the same
13 stipulation, because we're after June 27th now?

14 MR. DRESCHER: Excuse me.

15 MS. MCRAE: I don't know if a lawyer
16 called him, a lawyer prepared this, and it took a
17 week to get it to him or what.

18 MR. DRESCHER: I'm going to get to
19 that.

20 MS. MCRAE: Okay.

21 MR. DRESCHER: We're outside that
22 period now.

23 MS. MCRAE: Yeah.

24 Q. Mr. Aznaran, did you draft this yourself,
25 this Exhibit 4?

1 A. No, I don't believe I did.

2 Q. Who did?

3 A. I believe the law offices of Joseph A.
4 Yanny.

5 Q. Do you know whether Mr. Yanny himself
6 prepared this?

7 A. No, I don't.

8 Q. Well, you signed it on the 1st of July,
9 1991, and paragraph 3 refers to the two weeks
10 preceding there. If that was a mistake, why is it
11 that you didn't catch it?

12 A. I'm not perfect, even though I'm clear.

13 Q. So your testimony now is that this is
14 incorrect?

15 A. Yeah.

16 Q. Paragraph 3, that is?

17 A. Yeah.

18 Q. Okay. And your best recollection is that
19 the series of conversations with Barry Van Sickle
20 was in late May or early June?

21 A. Yes.

22 Q. And that's how you want to leave it?

23 A. To the best of my recollection, that is
24 when it was, yes.

25 MR. BERRY: That they commenced?

1 MR. DRESCHER: No. I didn't ask him
2 that, Graham. I asked him if in paragraph 3, where
3 he says, within the last two weeks I've had a
4 series of conversations with Barry Van Sickle. I
5 want to know if that's really the period of late
6 May and early June that he testified about.

7 THE WITNESS: It's obviously
8 incorrect, if we look at these documents as to when
9 everything happened.

10 Q. If you look at paragraph 5 of your
11 declaration that's been marked Exhibit 4, it says,
12 Van Sickle indicated that Quinn stated the only
13 requirement for settlement talks was that they did
14 not want to negotiate or deal with my then
15 attorney, Ford Greene. Do you see where it says
16 that?

17 A. Yes.

18 Q. Is that true and correct?

19 A. I think we've already discussed that,
20 haven't we.

21 Q. I just want to confirm that that specific
22 statement in paragraph 5 is --

23 A. Haven't I already testified to that fact?

24 Q. I want to know if the language you used,
25 the very words you used in paragraph 5 in that

1 declaration, Exhibit 4, is correct and true, to
2 your understanding, as you sit here today.

3 A. I think I'd have probably worded it a
4 little different if I was writing it, but, yes, for
5 all intents and purposes.

6 Q. For all intents and purposes, it's true
7 and correct as stated?

8 A. As I said, I think I would probably word
9 it a little different if I had written it.

10 Q. How would you word it?

11 A. I would have said that Mr. Van Sickle
12 stated that Quinn stated that he was willing to
13 enter -- he was willing to have Mr. Van Sickle
14 represent me in settlement talks, but that the
15 Church did not want to deal with my then attorney,
16 Ford Greene.

17 Q. Did anybody tell you what Mr. Van Sickle
18 testified in this case about paragraph 5 of Exhibit
19 4?

20 A. No.

21 Q. Nobody's told you what he said?

22 A. No.

23 Q. When, in that sequence of telephone
24 calls?

25 A. That was right at the beginning.

1 Q. Right at the beginning?

2 A. Yeah.

3 Q. Right when you got back from Mexico?

4 A. Yeah.

5 Q. A day or so after you talked with Karen
6 by phone from Mexico?

7 A. Yeah.

8 Q. You're certain of that?

9 A. I know it's whenever I got back.

10 Q. You don't know when you got back
11 precisely?

12 A. No.

13 Q. It was before you signed Exhibit 1?

14 A. Yes.

15 MR. BERRY: Objection; asked and
16 answered. Badgering.

17 THE WITNESS: Boring.

18 MR. DRESCHER: Why don't we break
19 for lunch, then.

20 (Noon recess.)

21 Q. Did you have a good lunch?

22 A. Great.

23 Q. Did Vicki join you?

24 A. Yes.

25 Q. Did you discuss your testimony this

1 morning at lunch?

2 A. To a limited degree.

3 Q. Do you remember what was said?

4 A. I told them the joke about the 45,000, a
5 couple of other points I felt were funny, but I
6 guess that was about it.

7 Q. Okay. Let me ask you to look at Exhibit
8 4 again. That's your July 1st declaration.

9 A. Yes.

10 Q. And in particular, paragraphs 4, 5 and
11 6. Why don't you just take a second and read
12 paragraphs 4, 5 and 6 of Exhibit 4.

13 A. Okay.

14 Q. All right. Now, is it your recollection,
15 Mr. Aznaran, that the statements you make in
16 paragraphs 4, 5 and 6 of Exhibit 4 occurred in one
17 phone call with Van Sickle?

18 A. Probably, yeah.

19 Q. Okay. Well, if you will look at
20 paragraph 8, the first line, you make reference to,
21 subsequent to my conversation with Mr. Van Sickle.
22 Does that refresh you at all that that which is set
23 forth in paragraphs 4, 5 and 6 was a single
24 conversation with Van Sickle?

25 A. First of all, these points in the 4, 5

1 and 6 were brought up with my initial conversation
2 with Van Sickle. Okay? And there were more
3 conversations with Van Sickle. Now, it's a little
4 misleading in there that I authorized Mr.
5 Van Sickle to negotiate on my behalf and -- right
6 at the beginning. That wasn't like at some time
7 later.

8 Q. About how long later after that first?

9 A. I said it wasn't later.

10 Q. I misheard you, then.

11 A. No. It was not later. It was right when
12 he first told me that they -- that he asked if he
13 was authorized to negotiate on my behalf, I said
14 yes.

15 Q. So paragraph 8 was also in that first
16 conversation with Van Sickle, the substance that
17 you authorized Van Sickle to negotiate for you --

18 A. Yeah.

19 Q. -- was part of the first telephone call?

20 A. I'm not going to sit here -- I mean, if
21 it turns out it was really the second, I don't
22 know, but, yes, right at the beginning.

23 Q. Your best recollection is that it was the
24 first?

25 A. Yeah. Or right at the first of this

1 whole period, yes.

2 Q. And that was after you got back from
3 Mexico. You already testified to that.

4 A. Well, in actual fact, I could have had
5 Karen tell him he was authorized. I actually don't
6 recall.

7 Q. But if you look at the paragraph 5,
8 Van Sickle is the one who told you that, right?

9 A. Well, we've already covered that
10 earlier. To the best of my recollection, I don't
11 recall whether Karen did or not. I know for sure
12 Barry did.

13 Q. Okay. In that first call you had with
14 him?

15 A. Again, you're trying to pin me down.
16 Before we were talking about those collectively,
17 and I am not to go cover this whole new ground now,
18 trying to decide if it was really the first
19 conversation. I've already testified that it was
20 in that first period, and that seemed to keep you
21 happy at that time. I'm not going to cover it all
22 over again. I've got other things to do. If
23 that's the whole point of the rest of this
24 deposition, let's end it now.

25 Q. I tell you, since you're the one that

1 said in paragraph 8 it was in one conversation,
2 I've got a right to go back over it. Now,
3 you've already told me maybe it was more than one.

4 A. It should have been conversations. Okay?

5 Q. It should be changed to, subsequent to my
6 conversations with Van Sickle?

7 A. There you go.

8 Q. That's your testimony now?

9 A. That's it.

10 Q. And that's your best recollection of the
11 truth?

12 A. That's correct.

13 Q. All right. Okay. Now, you also told me
14 that you think it was maybe Van Sickle who
15 communicated to Greene that he was released from
16 his present duty to represent you?

17 A. Actually, I don't believe it was.

18 Q. Who do you think it was?

19 A. I believe it was Karen's partner.

20 Q. Tony Wright?

21 A. Yes.

22 Q. Okay. When did you talk to Mr. Wright
23 about performing that task?

24 A. I don't recall.

25 Q. Well, was it --

1 A. I may have discussed it with Karen and
2 they worked it out.

3 Q. From the time in which --

4 A. It would have been after Mr. Van Sickle
5 informed me that they would negotiate with him, but
6 would not negotiate with Greene.

7 Q. Okay. How long after that?

8 A. Well, it would have been sometime after
9 that and before the 7th.

10 Q. Did Mr. Wright ever communicate to you
11 that he had indeed informed Mr. Greene of that
12 fact?

13 A. I don't recall whether it was he or
14 Karen, which of the two.

15 Q. But one or the other did?

16 A. Yeah.

17 Q. Now, back to paragraph 5 for a second.
18 Now, you testified before the lunch break that
19 you'd modify that language just a little bit if you
20 were going to execute this declaration again today,
21 right?

22 A. I think that that stands as part of the
23 record.

Q. I'm just confirming that you said that.

25 Do you recollect with any certainty that

1 Van Sickle's words in that conversation were that
2 the Church did not want to deal or -- negotiate or
3 deal with Ford Greene?

4 A. I believe that if you really -- my
5 testimony before lunch is to the best of my
6 recollection. And --

7 MS. MCRAE: Yes. You're getting
8 into a semantic game.

9 A. If you have a question about that, I'm
10 sure she can find it for you and read it back to
11 you.

12 Q. The question is, did Van Sickle ever tell
13 you that it was a condition to fire Ford Greene?

14 A. I've already given you what my best
15 recollection is.

16 Q. I'm asking a specific word. Did
17 Van Sickle tell you that it was a condition that
18 Ford Greene be fired?

19 A. I don't know about the word fired. It
20 might have been released. I don't know what word
21 might have been used. It was made very clear that
22 they would not negotiate if Ford Greene was in the
23 picture.

24 Q. That doesn't cover the eventuality that
25 you had to get rid of him. It was just that they

1 wouldn't negotiate with Greene. Isn't that
2 correct?

3 A. It was made very clear that they would
4 not negotiate with Greene in the picture, period.

5 Q. That was communicated to you by Mr.
6 Van Sickle?

7 A. Yes.

8 Q. And you realize that Mr. Van Sickle has
9 said that the language in paragraph 5 of your
10 declaration is a lie?

11 A. No.

12 Q. So you're saying what was actually
13 communicated to you was broader than --

14 A. I already testified exactly what my
15 recollection was about that, how it should be
16 stated in the present, and I just really don't see
17 any point in belaboring it.

18 Q. You have nothing more to add to that?

19 A. No.

20 Q. So the reason you discharged Mr. Greene
21 in June of 1991 was as a result of that call from
22 Van Sickle?

23 A. Completely and totally. Up to that point
24 Mr. Van Sickle -- the plan had been for Mr.
25 Van Sickle to come in and work with Ford Greene.

1 Q. Why was it that 30 days later you signed
2 a declaration in which you stated under oath that
3 the reason that you discharged Mr. Greene was
4 because you were sufficiently concerned about his
5 ability to handle and maintain the trial of the
6 case?

7 A. I believe that's only one part of it in
8 there, isn't it?

9 Q. One part of what?

10 A. That declaration.

11 Q. I'll read you the whole paragraph,
12 paragraph 4 of Exhibit 2. Previously I was
13 sufficiently concerned about Mr. Greene's ability
14 to handle and maintain the trial of my case, that I
15 replaced him with myself, in pro per, and then
16 substituted Joseph Yanny, and now that experienced
17 trial counsel has been retained, I do not foresee
18 any further changes in my representation.

19 You don't say anything about any
20 condition about firing Greene there, do you?

21 A. No. But I don't think that was the point
22 of this declaration. I don't say in this thing
23 that all previous declarations on the subject of
24 Ford Greene getting fired are now null and void.

25 Q. What was the purpose of this declaration?

1 A. You'd have to ask my attorney.

2 Q. You know that was not --

3 A. I was not discounting my earlier
4 declaration, that's correct.

5 Q. Didn't you think it was a significant
6 omission?

7 A. No, not really. Like I said, the other
8 was already written. Why would I want to be
9 redundant?

10 Q. But you didn't draft either of those
11 declarations, Exhibit 2 and 4, did you?

12 A. No.

13 Q. If you will look at Exhibit 4 again --
14 you've got Exhibit 2, I believe, in your hand.

15 A. No. I'm just looking at that paragraph
16 4, because just in looking at it again, it says, I
17 was sufficiently concerned about Mr. Greene's
18 ability to handle and maintain the trial in my
19 case. I would have to say part of that would have
20 to be a direct result of the fact that the
21 Scientologists were not willing to negotiate with
22 him.

23 Q. Are you saying that you didn't have a
24 concern about Mr. Greene's ability?

25 A. I'm saying what I said.

1 Q. I'm asking --

2 A. I'm saying what I said.

3 MS. McRAE: Let's get a time period
4 and have stipulation on attorney-client privilege.
5 If you're going to narrow it to this question --
6 are you talking about ever or when? Let me ask
7 that.

8 MR. DRESCHER: I can't answer a
9 question that is so incomprehensible that I don't
10 understand it. When you phrase it in terms of
11 attorney-client privilege, as to what this witness
12 had in his mind, it's obviously a stall. I'm not
13 even going to dignify it with an answer.

14 MS. McRAE: No, it's not. Okay. I
15 instruct him not to answer.

16 MR. DRESCHER: On what ground?

17 MS. McRAE: Attorney-client
18 privilege.

19 Q. Are you going to take that instruction?

20 A. I don't even know what the question is.

21 MR. BERRY: What's the question?

22 MR. DRESCHER: I haven't said a word
23 to the witness.

24 MS. McRAE: Yes, you did.

25 Q. Let me ask you this, then, Mr. Aznaran,

1 were you sufficiently concerned about Mr. Greene's
2 ability to handle and maintain the trial of your
3 case, that you replaced him with yourself, pro per,
4 in June of 1991?

5 A. Obviously that was part of it.

6 Q. But that wasn't the only part?

7 A. That wasn't the main part. The main part
8 was earlier in this other declaration, which is
9 dated earlier. Any problems that I had with Mr.
10 Greene, we'd been living with, hadn't we?

11 Q. Throughout the entire period that you had
12 been discussing Barry Van Sickle coming back into
13 the case to --

14 A. To work with Mr. Greene, that is correct.

15 Q. Throughout this entire period you were
16 asking whether Mr. Wright and Ms. McRae could
17 represent you in the Aznaran case?

18 A. I beg your pardon?

19 Q. During that same period you testified
20 that you had been discussing with Ms. McRae and Mr.
21 Wright, them coming into the case as your counsel?

22 A. Yeah.

23 Q. Did you still have that concern when you
24 were discussing --

25 A. Did I say to the exclusion of Ford

1 Greene? I don't recall saying that.

2 Q. I guess the record shows what it shows.

3 A. I guess it does.

4 Q. Did you tell Mr. Yanny, in discussing
5 whether he could represent you in the Aznaran case
6 in June of 1991, that you were concerned about Mr.
7 Greene's ability to handle and maintain the trial?

8 A. Anything that is discussed with Mr. Yanny
9 at that point in time, he would have been
10 representing me, and that would have been
11 attorney-client privilege.

12 MR. BERRY: Besides, Mr. Greene was
13 already out of the case.

14 Q. If you will look at Exhibit 2, paragraph
15 4. It's the one in your right hand.

16 A. Okay.

17 Q. The last sentence says, now that
18 experienced trial counsel has been retained, I do
19 not foresee any further changes in my
20 representation. Do you see where it says that?

21 A. Uh-huh (affirmative).

22 Q. That was your state of mind on the 31st
23 of July last year?

24 MS. MCRAE: Asked and answered.

25 MR. DRESCHER: No, it's not.

1 Q. Was that your state of mind last year at
2 the time that you signed this declaration?

3 A. That I did not foresee any further
4 changes?

5 Q. Yes.

6 A. On 31 --

7 Q. July 1991.

8 A. -- July, 1991? Yes, it was.

9 Q. There has been a further change, hasn't
10 there?

11 A. I don't know what you're referring to.

12 Q. Well, is Ford Greene counsel of record
13 for you in the Aznaran case now?

14 A. I believe Elstead is.

15 Q. Is Ford Greene?

16 A. Who is now?

17 Q. Is Ford Greene presently counsel of
18 record?

19 A. I just said I thought Elstead was.

20 Q. Yes, but that didn't answer the question.
21 The question is, yes or no, is Ford Greene counsel
22 of record for you in the Aznaran case?

23 A. I just got through saying I thought
24 Elstead was the counsel of record. Can you have
25 more than one?

1 Q. Yes. Do you have more than one?

2 A. Hell, I don't know.

3 (Off the record.)

4 THE WITNESS: Five yards, delay
5 game. Let's go.

6 Q. All right. In your testimony this
7 morning and in the declaration that's marked as
8 Exhibit 4, you've stated that you authorized Mr.
9 Van Sickle to deliver a request for further
10 negotiations to Mr. Quinn. It's in paragraph 9 of
11 Exhibit 4. Is that correct? Do you see where it
12 says that?

13 A. Yes.

14 Q. And that's still your recollection,
15 right?

16 A. Well, again, I guess it's a question of
17 wording. I don't know, if I'd have written it, if
18 I'd have said delivered my request. What I did is
19 I authorized Mr. Van Sickle to negotiate on my
20 behalf.

21 Q. Now, if you will look at paragraph 8 of
22 that declaration and paragraph 9 of that
23 declaration, paragraph 8 talking about releasing
24 Mr. Greene, paragraph 9 talking about Van Sickle
25 going back to the negotiations with Quinn.

1 A. Yes.

2 Q. Is that the order in which those two
3 events occurred?

4 A. No. I've told you earlier.

5 MR. BERRY: Objection; asked and
6 answered. This witness has already testified --

7 THE WITNESS: This seriously is --

8 MR. DRESCHER: But I missed this --

9 MR. BERRY: Let me finish my
10 objection. He's already testified --

11 MR. DRESCHER: I will let you finish
12 your colloquy. You've finished your objection.
13 You're trying to stretch this out, and we don't
14 need to. All I want to make sure is to confirm my
15 understanding --

16 MR. BERRY: We've been sitting
17 waiting for a question for the last five minutes.

18 MR. DRESCHER: Five minutes? Are
19 you going to swear to that?

20 THE WITNESS: Come on.

21 MR. BERRY: Approaching five
22 minutes.

23 MR. DRESCHER: Okay, sure. 30
24 seconds approaches five minutes. Your sarcasm is
25 not appreciated.

1 Q. I just want to confirm my understanding
2 that your testimony is that that which is recounted
3 in paragraph 9 occurred before that which is
4 recounted in paragraph 8 of Exhibit 4.

5 A. Okay. It was asked and answered,
6 however, I will repeat it for your benefit. My
7 initial conversations with Mr. Van Sickle, I
8 authorized him to negotiate on my behalf. This was
9 before Ford Greene was released from his present
10 duty to -- from his then present duty to represent
11 me.

12 Q. Paragraph 9 doesn't talk about that.
13 Paragraph 9 talks about you being informed that
14 Van Sickle had delivered a request for further
15 negotiations.

16 A. Well, again, it's a question of wording.
17 Mr. Van Sickle, to my knowledge, made it clear that
18 he was authorized to represent me, yeah, in
19 negotiations.

20 Q. At that point in time, did Mr. Van Sickle
21 tell you he would also become counsel of record for
22 you?

23 A. No.

24 Q. Did he ever tell you that in the period
25 between the end of May, early June and June 28th?

1 A. Well, during that period he did say that
2 it was a possibility that the Church might -- I
3 don't know what the word is, whether it's stipulate
4 or whatever, in any case, that they might allow him
5 to come back in as counsel of record.

6 Q. In any event, you weren't relying on Mr.
7 Van Sickle to substitute in on behalf of Mr. Greene
8 during that time, were you?

9 A. No. In fact, during that time I was
10 relying on Mr. Quinn's sincerity and honesty in
11 that he was going to work out a settlement, and
12 that he was going to work that out with Barry Van
13 Sickle.

14 It was much to my surprise that
15 immediately following my release of Ford Greene,
16 they filed summary judgment motions, which they
17 obviously had been holding for just such an
18 opportune time. It's very reminiscent of Pearl
19 Harbor.

20 Q. On what do you base your observation
21 that the Church had been holding those -- the
22 defendants had been holding those motions for
23 summary judgment for some time?

24 A. Well, just as the simple fact -- in spite
25 of the fact that you guys make \$50,000 a month, I

1 know that they didn't work that hard over that
2 short of a period of time to prepare those
3 voluminous papers.

4 Q. Do you recall when the summary judgment
5 you're talking about was filed?

6 A. The exact date, no.

7 Q. Okay. So after Van Sickle indicated to
8 you that Quinn said that Scientology had changed
9 its mind, that they did not care to enter into any
10 negotiations, did you start looking for a lawyer?

11 A. Do you mean at that exact instant?

12 Q. Thereafter.

13 A. Thereafter meaning any time after?

14 Q. Yes.

15 A. Yeah.

16 Q. How soon thereafter?

17 A. I don't know.

18 Q. A week?

19 A. I don't know.

20 Q. Two weeks?

21 A. I'd have to figure out what the dates
22 were.

23 Q. Is there any way for you to do that?

24 A. Well, what day did you-all tell them
25 that?

1 Q. Doesn't say that I told them that. It
2 says Mr. Van Sickle told you, so you wouldn't have
3 been aware of it until Van Sickle told you. Do you
4 have any recollection of when Van Sickle told you
5 that Quinn had said that Scientology had changed
6 its mind?

7 A. It was after releasing Ford Greene.

8 Q. Okay. How are you certain of that?

9 A. Because I wouldn't have released Ford
10 Greene. That's the only reason that I released
11 Ford Greene, was simply because Van Sickle said you
12 guys had wanted to negotiate a settlement with him
13 on my behalf.

14 Q. That's the only reason, despite what you
15 said in paragraph 4 of Exhibit 2?

16 A. In spite of, in addition to, any way you
17 want to put it.

18 Q. I'll take it the way you put it.

19 A. Okay.

20 Q. Now, you signed Exhibit 1, which is the
21 substitution of yourself in and Mr. Greene out, on
22 June 11th?

23 A. Yes.

24 Q. So what you're telling me is that Mr.
25 Van Sickle indicated to you sometime after the 11th

1 that Scientology had changed its mind and did not
2 care to enter into any negotiations. Is that
3 right?

4 A. Yes.

5 Q. Correct?

6 A. Yes.

7 Q. How long after that?

8 A. I told you I didn't recall.

9 Q. No recollection at all?

10 A. Well, I know it was less than a month.

11 How's that?

12 Q. It was certainly before you contacted Mr.
13 Yanny, wasn't it?

14 A. I don't even remember what the question
15 is. What's the question?

16 Q. Did you contact Mr. Yanny concerning his
17 possible representation of you before or after
18 Van Sickle told you that Scientology --

19 A. After.

20 Q. How long after?

21 A. Well, it would have been after they had
22 said that they didn't want to work out a deal, and
23 I'm pretty sure that it was after they filed the
24 summary judgment motions.

25 Q. Who was the first lawyer that you asked

1 to become counsel of record for you -- after the
2 summary judgment motion was filed?

3 A. I don't recall.

4 Q. Did you ask Greene to come back on board
5 once the summary judgment motion was filed?

6 A. Not that I recall.

7 Q. Did you ask Van Sickle and Plevin and
8 Karen McRae, but not Greene? Is that right?

9 A. Not that I recall.

10 Q. Do you know whether your wife asked Mr.
11 Greene to come back on as your counsel of record?

12 A. No, I don't know.

13 Q. And I am referring to that period
14 after --

15 A. Sure.

16 Q. -- the summary judgment motion was
17 filed. The same answer?

18 A. Not that I know of. No, my answer was, I
19 don't know.

20 Q. Did you ask someone to get back in touch
21 with Greene and see if he might resume duties as
22 counsel of record after the summary judgment
23 motions were filed?

24 A. Not that I recall.

25 Q. You're asking for \$70 million in damages

1 in the Aznaran case, aren't you?

2 A. I've indicated that I would settle for
3 less.

4 MS. MCRAE: Objection. He's been
5 deposed for days in that case, and I object. We're
6 going to leave if there is one more question about
7 the Aznaran case. It doesn't have anything to do
8 with this.

9 MR. DRESCHER: Well, it's got a lot
10 to do with this, because I'm a little puzzled at
11 Mr. Yanny's affirmative defenses, and I realize
12 you're not part of this case, except to
13 represent --

14 MS. MCRAE: You're not going to ask
15 him about what he's asking for in the Aznaran case.

16 MR. DRESCHER: That's fine. I'm
17 going to tell you that the relevancy basis for the
18 questions I'm about to ask is Mr. Yanny's
19 affirmative defense that the Aznarans could not
20 have any other counsel at the end of June 1991
21 except Mr. Yanny because of the crisis Mr. Yanny
22 contends was created by the facts as alleged in Mr.
23 Aznaran's declaration.

24 MR. BERRY: That, coupled with the
25 effect of the Flynn agreements and the buying and

1 scaring of counsel, that thereby depleted the pool
2 of available attorneys for these litigants to turn
3 to in a moment of crisis.

4 MR. DRESCHER: Right. That's the
5 allegation Mr. Yanny has. Well put. I thank you
6 for that.

7 THE WITNESS: Can I add one little
8 thing to it?

9 MR. DRESCHER: Yes.

10 THE WITNESS: From my viewpoint, it
11 was also that I felt like after Joe's Yanny 1
12 trial, that there had been a substantial change of
13 fact which might allow Mr. Yanny to represent,
14 whereas he couldn't earlier.

15 Q. What was that change?

16 A. I thought -- it was my understanding that
17 at Yanny 1, it was pretty well settled that there
18 wasn't anything Joe could tell us that could
19 compromise the Church when, in fact, we knew a
20 whole lot more about their strategy and so forth
21 than Joe did. So I thought it was kind of a moot
22 point as to whether there would be any kind of --
23 what's the word I'm looking for -- conflict or
24 betrayal of their interest.

25 Q. The "we" and "us" you referred to then

1 was you and your wife, right?

2 A. Yeah. Otherwise, I never would have
3 considered it.

4 Q. Well, you didn't consider anyone other
5 than those we've already named, did you, in terms
6 of --

7 A. Well, by the time we were forced to
8 consider it, we didn't have very much time. Also,
9 you've got to understand that we'd already been
10 down that road before.

11 And last, but not least, we had these
12 major summary judgment motions that had been filed
13 that had to be responded to in very short order,
14 and that's not the kind of thing that a new
15 attorney generally wants to come on board and have
16 to face right off the bat.

17 Q. Yet you never asked Greene to come back
18 on?

19 A. Not that I recall.

20 Q. Couldn't find any lawyers willing to take
21 a contingent interest in a \$70 million case four
22 months before trial?

23 A. I told you, we were willing to settle for
24 less than 70.

25 Q. Yes, but that's not what you claimed. My

1 question was, you couldn't find any lawyer who was
2 interested in a contingent interest in a \$70
3 million claim only four months shy of trial?

4 A. Well, like I said, the main problem --

5 MR. BERRY: That wasn't his
6 testimony.

7 MR. DRESCHER: That's my question.

8 A. What I'm saying is what I'm saying. I
9 don't know what else to offer for you

10 MR. BERRY: I think it's asked and
11 answered. The witness said he didn't have time to
12 do any of that stuff.

13 MS. MCRAE: You're being
14 argumentative.

15 MR. DRESCHER: I disagree with Ms.
16 McRae, but --

17 MS. MCRAE: Why don't you save it
18 for the jury argument, Bill.

19 MR. DRESCHER: I think Mr. Berry's
20 objection at this point is now well taken, now that
21 he's finally he's answered the full question.

22 THE WITNESS: What did I do? I just
23 said that I already answered it.

24 MR. DRESCHER: No, you didn't.

25 Q. Did Mr. Yanny take the Aznaran case on a

1 contingency fee basis?

2 A. Yes.

3 Q. What contingency did he take in the case?

4 A. What do you mean by contingency?

5 Q. What percentage?

6 A. I don't know.

7 THE WITNESS: Isn't that privileged?

8 MS. MCRAE: Yes, you can claim
9 privilege, if you want.

10 MR. BERRY: Objection;
11 attorney-client privilege.

12 THE WITNESS: I would think our
13 agreements would be confidential.

14 Q. You're going to take your attorney's
15 instruction on that?

16 A. I didn't hear her. I just said it
17 myself.

18 Q. She said attorney-client privilege.

19 A. Did she concur? Well, that's two of us,
20 then.

21 MR. DRESCHER: I think it's probably
22 three. I think Mr. Berry entered that one, too,
23 didn't you?

24 MR. BERRY: Oh, yes. That was the
25 answer to it.

1 MR. DRESCHER: That's right.

2 Q. Did you pay anything to Joe for the time
3 he was your counsel of record in the Aznaran case?

4 THE WITNESS: Is that privileged?

5 MS. MCRAE: Do you want to claim
6 privilege?

7 MR. DRESCHER: Well, Vicki answered
8 it, so I'm a little surprised you're taking an
9 inconsistent position, Ms. McRae.

10 MS. MCRAE: I'm not taking an
11 inconsistent position.

12 MR. DRESCHER: You didn't assert
13 that objection yesterday when I asked the exact
14 same question to Vicki.

15 MS. MCRAE: I believe I did, at
16 least to one of them.

17 MR. DRESCHER: She answered it.

18 THE WITNESS: I brought it up. I
19 was asking. I would think that that would be
20 privileged.

21 MS. MCRAE: It's privileged. A lot
22 of this is privileged, and we've stipulated that
23 you can answer, if you want to, but if you want to
24 claim privilege, we're claiming privilege.

25 MR. DRESCHER: Well, I haven't

1 stipulated to anything about that on this
2 question. I didn't even have an objection to that
3 question yesterday. Now, if --

4 THE WITNESS: We haven't objected to
5 any of your questions. Now, I've said -- or
6 answered. Let's get on with it.

7 MR. DRESCHER: I'd like her to
8 instruct you, and then we'll move on.

9 THE WITNESS: I'm instructed. It's
10 done.

11 MS. MCRAE: He's been instructed

12 THE WITNESS: We did it by ESP.

13 Come on.

14 MS. MCRAE: Let's go.

15 MR. DRESCHER: Have you got Ms.
16 McRae's instruction?

17 THE WITNESS: Where is Judge Wopner
18 when you need him.

19 MS. MCRAE: I don't know. That's
20 the green sheet.

21 MR. DRESCHER: Don't you love this
22 paper?

23 MR. BERRY: We know it's not yours.

24 MR. DRESCHER: As a matter of fact,
25 it is.

1 MR. BERRY: You don't look a
2 lime-green sort of guy.

3 MR. DRESCHER: Well, I ran out of
4 the hot pink.

5 Q. Do you recall about when Mr. Yanny ceased
6 to be your counsel of record in the Aznaran case?

7 A. When the judge told him he was.

8 Q. When the judge told him he was out?

9 A. Yeah.

10 Q. About how long had he represented you, to
11 your recollection?

12 A. I don't know. A month. I have no idea.
13 Not all that long.

14 Q. Since Judge Ideman ordered Mr. Yanny off
15 your case, has Mr. Yanny given you any legal advice
16 whatsoever?

17 A. No, not regarding my case, not that I
18 recall.

19 Q. Regarding anything to do with any Church
20 of Scientology?

21 A. No.

22 Q. Since Judge Ideman ordered Mr. Van Sickle
23 off the Aznaran case, have you sought legal advice
24 in any form whatsoever from Mr. Yanny?

25 A. No, not that I recall.

1 Q. And he hasn't represented you in any
2 matters since that, has he?

3 A. Concerning the Church of Scientology?

4 Q. Yes.

5 A. Not that I recall.

6 Q. Concerning anything?

7 A. If there was anything else, it wouldn't
8 be any of your business, but anyway --

9 Q. Well, the answer's what?

10 A. The answer is that he has not represented
11 me in anything to do with the Church of
12 Scientology.

13 Q. Or anyone associated with the Church of
14 Scientology?

15 A. Or anyone associated, living or dead.

16 Q. Did you ever have any discussions with
17 Mr. Yanny concerning the scheduling of depositions
18 in this case?

19 MS. MCRAE: Ever? I'm going to
20 object to attorney-client privilege, and instruct
21 him not to answer. If you want to make it not so
22 global about ever, then go ahead, and I will see if
23 he wants to answer it.

24 MR. DRESCHER: Well, the case filed
25 at the end of July 1991.

1 MR. BERRY: Also, attorney work
2 product privilege, and you've already brought a
3 motion for terminating sanctions on alleged
4 interference by Mr. Yanny in scheduling, and the
5 judge held there was no evidence of that.

6 MR. DRESCHER: Right. Now I'm going
7 to try to find any evidence of that.

8 Q. Since August 1, 1991, did you ever
9 discuss with Mr. Yanny the scheduling of your
10 deposition in this case?

11 A. My deposition in Joe's case?

12 Q. This case, the one we're here for.

13 MR. BERRY: Which is Joe's case.

14 MS. MCRAE: Right. Objection;
15 attorney-client privilege. Instruct you not to
16 answer.

17 THE WITNESS: He wasn't my attorney.

18 MS. MCRAE: Yes. Every lawyer has a
19 continuing duty.

20 MR. DRESCHER: That's why we're
21 here. Did you instruct him? I didn't hear you.

22 MS. MCRAE: I instructed him.

23 Q. To your knowledge, did your wife ever
24 discuss the scheduling of her deposition in the
25 case with Mr. Yanny after August 1, 1991?

1 MS. MCRAE: Same objection. Same
2 instruction.

3 We're not even talking about what you're
4 supposed to be here for, and I told you they get
5 the green sheet out, and we really get off the
6 track.

7 MR. BERRY: They're trying to get
8 back to something that has already been ruled
9 against them.

10 THE WITNESS: They never give up.

11 MR. DRESCHER: Nobody's ever yet
12 advanced an objection to why that is not proper,
13 that had any substance at all.

14 Q. Have you ever met Jerry Armstrong?

15 A. Sure.

16 Q. How many times?

17 A. Well, we used to work together.

18 Q. Okay. Let's change that. Since April --
19 since March 31, 1987, that's when you left the
20 Church, right?

21 A. Well, I'm not going to get into that
22 either. Okay?

23 Q. But since the time you left the Church,
24 whenever that may be, have you met Jerry Armstrong?

25 A. Never.

1 Q. Never had a face-to-face talk with him?

2 A. Sorry. No.

3 Q. Have you talked to him by telephone since
4 then?

5 A. Yeah.

6 Q. About how many times?

7 A. Two or thereabouts.

8 Q. Do you remember what the most recent such
9 discussion was?

10 A. I don't know. It's been months.

11 Q. Sometime last year?

12 A. I think so. Could have been earlier this
13 year. I don't know. It's been a while.

14 Q. Okay. Did you call him or did he call
15 you at that time?

16 A. He called me.

17 Q. Do you remember the substance of the
18 telephone conversation?

19 A. Yeah.

20 Q. Do you remember how long it lasted?

21 A. Yeah.

22 Q. How long?

23 A. Five minutes.

24 Q. What did he say to you and what did you
25 say to him?

1 MR. BERRY: Objection;
2 attorney-client.

3 MS. MCRAE: I don't know if it is or
4 not.

5 MR. DRESCHER: Let me ask a couple
6 more foundational questions.

7 MR. BERRY: There was a time when
8 Jerry Armstrong was a paralegal for Ford Greene.

9 MR. DRESCHER: Well, let's establish
10 that.

11 THE WITNESS: See, I don't know
12 that.

13 Q. You're unaware that Mr. Armstrong worked
14 as a paralegal for Ford Greene?

15 A. I know there's a time where he might have
16 or might be going to or something like that.

17 Q. So --

18 MR. BERRY: The evidence -- I think
19 you should be fair, though, and tell him what the
20 evidence has been in the case from Jerry Armstrong
21 and Ford Greene.

22 MR. DRESCHER: I think that's a good
23 point, and also from his wife, for that matter.

24 MR. BERRY: Yes.

25 MR. DRESCHER: And I can only go on

1 what was reported to me was the evidence about
2 those two -- Mr. Armstrong and Mr. Greene, so if I
3 stray, correct me. Okay?

4 MR. BERRY: Having been there at the
5 time myself.

6 MR. DRESCHER: Yes, I know you were.

7 Okay. I believe Mr. Greene testified
8 that Mr. Armstrong worked for him for a time as a
9 paralegal working on your case.

10 MR. BERRY: And still does.

11 MR. DRESCHER: And that he still
12 works for Mr. Greene in that capacity to this day?

13 MR. BERRY: Well, probably not
14 subsequent to the temporary restraining order.

15 Q. Now, did you have any awareness of Mr.
16 Armstrong being employed as a paralegal by Mr.
17 Greene to work on the Aznaran case for Mr. Greene?

18 A. Well, I know that -- I guess I can say
19 this --

20 MS. MCRAE: Just say yes or no. If
21 you can't answer it yes or no, tell me what your
22 answer is.

23 (Witness and counsel confer.)

24 MS. MCRAE: That's attorney-client,
25 and I am going to instruct you not to answer it.

1 So you can answer yes or no, or you can't answer
2 yes or no to that question?

3 A. So the question was, did I know that he
4 did?

5 Q. Yes.

6 A. Kind of a strange answer. I'm going to
7 say no, but I didn't know he didn't either. I
8 mean, I just knew it was kind of a maybeish, iffy,
9 I never --

10 Q. You never had any concrete information
11 that Mr. Armstrong was performing paralegal
12 services for Mr. Greene with regard to your case?

13 A. I guess that's a good way of putting it.

14 Q. You'll accept that?

15 A. I think so.

16 Q. Okay. Did you ever have any knowledge or
17 information that Mr. Armstrong was performing
18 paralegal services for Mr. Yanny while Mr. Yanny
19 was your counsel of record in the Aznaran case?

20 A. No.

21 Q. Are you aware that Mr. Armstrong is
22 performing paralegal duties for Mr. Elstead on
23 behalf of you in the Aznaran case at this time?

24 A. Am I aware that he is?

25 Q. Yes.

1 A. I didn't know he was.

2 Q. Do you have knowledge or information that
3 Mr. Armstrong ever performed paralegal duties for
4 Mr. Elstead in relation to the Aznaran case?

5 A. Not to my knowledge.

6 Q. Were you a member --

7 MS. MCRAE: I don't know either.

8 Q. Were you a member of Mr. Armstrong's
9 church?

10 A. Nope. I didn't know he had one.

11 Q. Have you paid any money to Jerry
12 Armstrong for any work that he's done in assisting
13 anyone --

14 A. No.

15 Q. -- in connection with the Aznaran case?

16 MS. MCRAE: Objection.

17 A. I haven't paid assistance to anybody in
18 the whole world.

19 Q. Have you paid anyone money to give to
20 Jerry Armstrong for assistance that he's given you
21 in the Aznaran case?

22 A. No.

23 Q. Now, let's go back to where you jumped
24 off on this point in your more recent or your most
25 recent telephone conversation with Mr. Armstrong.

1 What was said by you and what was said by him?

2 MS. MCRAE: Objection;
3 attorney-client privilege. If he were, in fact,
4 was working for lawyers and my client knew it, then
5 I object to -- I'm going to instruct him not to
6 answer.

7 MR. DRESCHER: That's a curious one,
8 I've got to tell you.

9 MS. MCRAE: No, it's not.

10 MR. DRESCHER: Yes, it is.

11 MS. MCRAE: Did you not understand
12 it? He's instructed not to answer.

13 MR. DRESCHER: No sense raising your
14 voice at me. He's already testified that he didn't
15 know, one way or the other.

16 MS. MCRAE: If you're going to go
17 through repetitious questions that you've already
18 asked, we will go.

19 MR. DRESCHER: Ms. McRae, you've got
20 a witness sitting next to you testifying that he
21 didn't know one way or the other whether Mr.
22 Armstrong was working for a lawyer.

23 MS. MCRAE: So you're going to sneak
24 around and ask him the substance of the
25 conversation?

1 MR. DRESCHER: No. I'm coming right
2 out and asking him, since one of the requirements
3 of the attorney-client privilege is that the client
4 intended the communication to be confidential, and
5 since he didn't even know whether Armstrong was
6 working as a paralegal on his behalf, clearly it
7 wasn't in his mind -- clearly not in his mind that
8 it was a confidential communication in connection
9 with legal representation of him.

10 So I think that particular objection is a
11 stall. I think it's designed to try to create
12 friction where none exists. He's already testified
13 that it couldn't possibly --

14 THE WITNESS: Come on, where isn't
15 there friction.

16 Q. Are you going to answer the question?

17 A. I just wanted to clarify.

18 MS. MCRAE: I'll let him answer if
19 this will not be construed as a general waiver. I
20 have no idea what Armstrong's capacity was when he
21 called Mr. Aznaran.

22 MR. DRESCHER: It's hard for me to
23 stipulate to something not being a general waiver
24 when I can't figure out with whom the privilege is
25 shared.

A. We'll know by trial. Ask me then.

Q. But see, I'm entitled to know now.

3 A. Well, then, I need to know whether he was
4 working for my attorney, and I don't know that.

Q. It doesn't matter what you think now.

6 What matters is what you've already testified to.

7 MR. DRESCHER: Ms. McRae, I'll
8 address it to you. Since he had no idea that
9 Armstrong was acting in such a capacity, he
10 couldn't possibly have intended the communication
11 to be in confidence. He's already established
12 that.

13 MS. MCRAE: That's not --

MR. DRESCHER: That's the law.

15 MS. MCRAE: If it's a general
16 waiver, then they're going to come and ask about
17 every single conversation you've had with every
18 lawyer or their agent or whatever, you bet they
19 will, because these guys cannot be trusted,
20 Richard. We know that. I don't trust you,
21 Drescher.

22 MR. DRESCHER: Despite all your
23 invective and your posturing and all that, the
24 simple truth of the matter is that you've got a
25 witness that testified that under no circumstances

1 could this be a confidential communication. I am
2 not going to stipulate to waive any privilege that
3 doesn't exist.

4 MS. MCRAE: You're not going to get
5 an answer.

6 MR. DRESCHER: You're going to
7 instruct him?

8 MS. MCRAE: I'm instructing him not
9 to answer.

10 MR. DRESCHER: Give a basis, please.

11 MS. MCRAE: Pardon?

12 MR. DRESCHER: Give a basis for it,
13 please.

14 MS. MCRAE: Attorney-client
15 privilege.

16 Q You're going to accept her advice on that?

17 A. Yeah.

18 Q. Who's the attorney?

19 A. Let's just get on with it. Okay?

20 Q. Who is the attorney in the privilege?

21 MS. MCRAE: He just answered.

22 MR. DRESCHER: No, he didn't.

23 MS. MCRAE: He said he didn't know.

24 Q. I want to hear specifically in respect
25 to --

1 A. You brought up the point --

2 MS. MCRAE: Don't argue with him.

3 MR. DRESCHER: I'm entitled to know,
4 on the assertion of an attorney-client privilege,
5 who the attorney --

6 A. If he was possibly working for Ford
7 Greene or John Elstead, then I'm not going to give
8 up any of my privilege that may exist. I'm going
9 to exercise an abundance of caution.

10 Q. And you are going to refuse to answer
11 the question?

12 A. Yeah.

13 Q. Have you ever met John Koresko?

14 A. I may have.

15 Q. Well, have you?

16 A. I don't know.

17 Q. Do you know who he is?

18 A. I know he works for Joe Yanny.

19 Q. Have you ever spoken with him by
20 telephone?

21 A. May have.

22 Q. Do you know when?

23 A. He might have answered the phone or
24 something. I don't know really know.

25 Q. Did you ever have any communication by

1 telephone with Mr. Koresko, other than perhaps when
2 he answered the phone for somebody else?

3 A. Not that I recall.

4 Q. Have you ever met Mr. Koresko?

5 A. I've already answered that.

6 Q. I understand. I wondered if that jogged
7 your memory.

8 A. No.

9 Q. Do you have any recollection of Mr.
10 Koresko ever telephoning you?

11 A. No. Not to say he didn't. I just don't
12 recall any.

13 Q. Do you have any knowledge or information
14 that Mr. Koresko was working with Ford Greene in
15 August of last year?

16 A. No.

17 Q. Have you ever had a conversation with
18 anybody concerning Koresko transferring files
19 related to the Aznarán case from Yanny's office to
20 Greene's office?

21 MR. BERRY: I know your
22 investigator logs show that and photographs show
23 that.

24 MR. DRESCHER: Do you know the logs
25 show that?

1 MR. BERRY: I know the photographs
2 show that.

3 THE WITNESS: Is that Mary Grieco's
4 brother?

5 MR. BERRY: Huh-uh (negative).

6 THE WITNESS: Oh.

7 Q. The question was, do you have any
8 knowledge or information that Mr. --

9 A. I knew somebody did. I didn't know who,
10 I guess.

11 Q. Do you think maybe it was Mary Grieco's
12 brother who was involved with transferring your
13 files from Joe's office to Ford's office?

14 A. Obviously if you have photographs --

15 MR. BERRY: Objection; speculation.

16 Q. My question is -- or at least the most
17 recent one was, do you have any knowledge or
18 information that Mary Grieco's brother was involved
19 in transferring the files for the Aznaran case
20 from Mr. Yanny's office to Mr. Greene's office?

21 MR. BERRY: Objection; calls for
22 speculation as to whether this person was Mary
23 Grieco's brother.

24 A. No.

25 Q. Did anybody ever tell you it was Mary

1 Grieco's brother who transferred the files from Mr.
2 Yanny's office to Mr. Greene's?

3 A. I don't know.

4 MR. BERRY: Objection; relevancy.

5 MR. DRESCHER: Can we go off the
6 record for a second.

7 (Recess taken.)

8 Q. When's the last time you had any
9 communication with Mr. Yanny?

10 A. I don't know. It's been weeks.

11 Q. Two or three weeks?

12 A. More.

13 Q. More than that? More than a month?

14 A. Probably.

15 Q. By telephone, I assume?

16 A. Yeah.

17 Q. Did he call or did you call him?

18 A. I imagine he called me.

19 Q. How long did that telephone call last?

20 A. I don't know. Not very long.

21 Q. Was the substance of that telephone call
22 in any way related to the Aznaran case?

23 A. The who case?

24 Q. Your case?

25 A. No.

1 Q. Was it substantively in any way related
2 to this case?

3 A. No, not really.

4 Q. Okay.

5 A. No.

6 Q. Okay. Was the substance of that
7 telephone call in any way related to the Church of
8 Scientology or anyone associated with it?

9 A. Yes.

10 Q. Can you tell me what was said by you and
11 what was said by him?

12 A. Not specifically. We just bad-mouthinged
13 you guys in general.

14 Q. General chitchat?

15 A. Yeah.

16 Q. In the form of bad-mouthing?

17 A. Yes.

18 Q. Sort of like the exchange of pleasantries
19 in the form of bad-mouthing?

20 A. Yes.

21 Q. No substance concerning any lawsuits?

22 A. No, nothing. Just general.

23 Q. Can you recollect the time before that
24 that you last talked to Mr. Yanny?

25 A. Not specifically, no.

1 Q. About how many times do you figure you've
2 been in communication with Joe Yanny since Mr.
3 Yanny was ordered by Judge Ideman off your case?

4 A. I don't know. 20 times maybe. 10 times.

5 Q. Does any particular one stand out in your
6 mind that you could identify the substance with
7 particularity?

8 A. I remember one time him telling me you
9 guys sued him.

10 Q. Well, that was before he was ordered off
11 the case, your case by Judge Ideman?

12 A. I don't know. Just one of the
13 conversations that I remember.

14 Q. Okay. Do you remember with any
15 particularity the substance of any other
16 communication, in the period that we're talking
17 about, with Mr. Yanny?

18 A. We've talked about PI work that we've
19 done. Had nothing to do with Scientology.

20 Q. Let me change the question just a little
21 bit.

22 A. Okay.

23 Q. In those 10, 20 or however many
24 communications that you've had with Mr. Yanny since
25 he was ordered off the Aznaran case, they've all

1 been by phone?

2 A. Yes.

3 Q. In any of those conversations did you and
4 he discuss the Aznaran case?

5 A. Maybe in a general way, him asking me how
6 I liked John Elstead or something like that.

7 Q. Was it Mr. Yanny who put you in touch
8 with Mr. Elstead?

9 A. Actually, I believe it was Margaret
10 Singer.

11 Q. Did you have any direct communication
12 with Dr. Singer on the subject of the finding you a
13 lawyer for the Aznaran case?

14 A. Me personally?

15 Q. You personally.

16 A. I don't think so, not that I recall.

17 Q. Did your wife?

18 A. I believe so.

19 Q. Did she tell you about any conversations
20 she had with Dr. Singer on that subject?

21 A. Yes.

22 Q. How many conversations?

23 A. I don't know.

24 Q. What did she tell you about it?

25 A. Well, she told me about Elstead.

1 Q. Was it your understanding that your wife
2 had first found out about Mr. Elstead from Dr.
3 Singer?

4 A. I believe that's correct.

5 Q. Have you ever met Mr. Elstead?

6 A. No.

7 Q. Have you ever talked to him by telephone?
8 Yes or no.

9 A. Yes.

10 Q. More than one occasion?

11 A. Yes.

12 Q. Have you ever -- have you ever given Mr.
13 Elstead a brief -- a telephonic briefing on what
14 your lawsuit is about?

15 MS. MCRAE: Just yes or no.

16 MR. DRESCHER: Yes. That's all I'm
17 asking.

18 A. Yes.

19 Q. Okay. And again, without going into the
20 substance of that briefing, or any briefings, was
21 it on more than one occasion?

22 A. Well, we've discussed what my lawsuit's
23 about on several questions.

24 Q. Then I think you misunderstand my
25 question. Let me describe what I'm going for, so

1 you can understand, and then I'll ask the specific
2 question.

3 What I'm looking for -- well, Mr. Elstead
4 had no contact with you, is that correct, before
5 taking on representation of you in the Aznaran
6 case? Is that correct?

7 A. No, that's not true.

8 Q. When did you first have any contact with
9 Mr. Elstead?

10 A. Prior to him --

11 Q. To see whether he would take on your case
12 or not.

13 A. Yes.

14 Q. But prior to the first conversation you
15 had with Mr. Elstead to determine whether he'd
16 represent you, had you ever spoken with him before?

17 A. No.

18 Q. Had you ever heard of him before your
19 wife related --

20 A. No.

21 Q. -- her telephone call with Dr. Singer?

22 A. No.

23 Q. In your first telephone conversation with
24 Mr. Elstead, did you call him or did he call you?

25 A. I think I called him.

1 Q. Was there anyone -- I'm sorry, was there
2 anyone on the line with you when you placed that
3 call to Mr. Elstead?

4 A. I don't believe so.

5 Q. Do you know whether anyone was on the
6 line with Mr. Elstead?

7 A. No, I don't.

8 Q. So to the best of your recollection, it
9 was just the two of you?

10 A. Yeah.

11 Q. Okay.

A. Excuse me a second.

13 (Recess taken.)

14 (Record read.)

15 Q. I assume, Mr. Aznaran, the purpose of
16 that phone call was to see if Mr. Elstead had an
17 interest in representing you in the Aznaran case?

18 A. Yeah, and -- yeah, just to talk to him,
19 see what kind of a guy he was.

20 Q. In any of your telephone communications
21 with Mr. Elstead at or after that time, did you
22 give him a full introductory type rundown of what
23 the facts were concerning the claims you have made
24 against the various churches?

A. During any of the initial conversations?

1 Q. Any conversation --

2 A. We discussed basic facts underlying our
3 case, probably most of our conversations.

4 Q. Do you know whether your wife had any
5 such conversations with Mr. Elstead in that period?

6 A. Yeah.

7 Q. With you? In other words, the two of you
8 together with Mr. Elstead?

9 A. No. I think she talked to him by herself
10 a few times.

11 Q. Did you rely on yourself and your wife to
12 give Mr. Elstead his background on the case, or did
13 you rely on someone else to do it?

14 A. No. Strictly Vicki, myself and the
15 documents, and I am sure Ford talked to him.

16 Q. Do you know whether Mr. Yanny talked to
17 Mr. Elstead about the Aznaran case?

18 A. No. In fact, it's my understanding that
19 he was going to put Elstead with me.

20 Q. So to your knowledge, Mr. Yanny has not
21 discussed the Aznaran case with Mr. Elstead?

22 A. Not to my knowledge.

23 Q. In particular, are you aware of any
24 meeting concerning the Aznaran case in which the
25 participants were Mr. Yanny, Mr. Armstrong and Mr.

1 Elstead?

2 A. No.

3 Q. Never heard of such a meeting?

4 A. With the three of them, no.

5 Q. Mr. Aznaran, do you have a safe in your
6 home?

7 MS. MCRAE: Objection. We're going
8 to leave.

9 THE WITNESS: What does that have to
10 do with Joe's case?

11 MR. DRESCHER: What's the objection?

12 MS. MCRAE: Abuse of discovery.

13 What in the world does that have to do with this
14 case? And I am not going to sit through it. I
15 know what you asked Vicki yesterday, and it's
16 ridiculous.

17 Are you ready?

18 THE WITNESS: Yes.

19 MR. DRESCHER: It appears they're
20 terminating the deposition on the basis stated by
21 Ms. McRae.

22 MR. BERRY: Do you have any other
23 questions that bear on the case?

24 MR. DRESCHER: She's going to
25 leave. I've got a number of questions that bear on

1 the case, including the one that I just asked.

2 MS. MCRAE: I told you when you
3 started asking questions that don't bear on the
4 case -- I've already told you that twice in this
5 deposition, at least twice yesterday, so it's not
6 like I just came up with this out of the blue.

7 MR. DRESCHER: Are you going to let
8 him answer my questions?

9 MS. MCRAE: No, not with you-all's
10 fair game and everything, wanting to know personal
11 questions about whether they have a safe in their
12 house. No. Now, you can ask him other questions
13 that have to do with this case, one more time, but
14 I'm not going to go through that.

15 THE WITNESS: You may or may not
16 know, you have investigators out there with floor
17 plans to my house. I have no idea what the Church
18 is going to do under their fair game policy to my
19 house, and I will tell you that anything to do with
20 the inside of my house is none of their concern or
21 yours.

22 Q. So you're not going to answer that
23 question?

24 A. Fair to assume.

25 MR. BERRY: Especially since Mr.

1 Rathburn has already testified that they're fair
2 game.

3 MR. DRESCHER: I beg your pardon.

4 MR. BERRY: He testified that he
5 issued a suppressive person to clear on it.

6 MR. DRESCHER: That's what he
7 testified; not that they were fair game. He also
8 didn't testify that he did it, did he?

9 MS. MCRAE: Like we don't all know,
10 Drescher.

11 MR. DRESCHER: No, we don't all
12 know, Ms. McRae.

13 THE WITNESS: Come on. Move along.

14 MR. DRESCHER: Am I to assume --
15 I'm asking you --

16 MS. MCRAE: I want you to tell it to
17 someone that looks like they're going to believe
18 you, Bill, because I don't. It does you no good to
19 sit here and tell me that.

20 MR. BERRY: I think Ms. McRae had
21 you on a last chance to keep it to this case.

22 MR. DRESCHER: I wanted to ask Ms.
23 McRae a question procedurally to see if we could
24 move this along. I got cutoff with, am I to
25 assume, Ms. McRae. Am I to assume, Ms. McRae, that

1 if I were to pursue the same areas of questioning I
2 asked Ms. Aznaran about yesterday concerning the
3 safe, concerning gold, concerning ivory, that you
4 are going to interpose the objection and instruct
5 him not to answer?

6 MS. MCRAE: No. I'm going to leave.

7 MR. DRESCHER: I'll preface this by
8 saying the relevance is credibility.

9 Q. Mr. Aznaran, have you ever bragged about
10 removing property from the Brownsville Ron Hubbard?

11 MS. MCRAE: We can leave or you can
12 answer, Richard. It's up to you.

13 A. I'll answer that one. No. But if you
14 continue -- no, I haven't, although I wouldn't
15 doubt that they don't have some witness they've
16 figured out who said I did. The fact remains that
17 anything to do with my privacy or anything that I
18 feel is going to be strictly about my case and not
19 really Joe's case, I'm not going to answer. If you
20 continue to persist, I will leave. There's no
21 question about it.

22 Q. Just so there's no misunderstanding on
23 what the relevance of this is to Joe's case, I
24 anticipate that you and your wife are going to be
25 witnesses --

1 A. You're absolutely correct.

2 Q. -- on behalf of Mr. Yanny at the trial
3 that is set for next month.

4 A. I hope so.

5 Q. I don't think anybody in this room would
6 ever suggest that questions that go to the
7 credibility of the witness is somehow --

8 A. Oh, I don't know. I don't think Judge
9 Cardenas is going to let you get away with asking
10 me about my safe, but we can give him that
11 opportunity to decide.

12 MR. BERRY: You have different ways
13 of approaching credibility; prior testimony,
14 felonies and the like.

15 MR. DRESCHER: I know the list as
16 well as you do. I also -- I don't think you're
17 suggesting that it's limited to those two ways, are
18 you, Mr. Berry?

19 MR. BERRY: It's limited to
20 questions which might lead to the discovery of
21 admissible evidence.

22 MR. DRESCHER: Including the issues
23 of credibility of a witness anticipated to be --
24 testify at trial.

25 THE WITNESS: You can discuss it all

1 you want with whoever you want to talk to. I'm the
2 guy that you're asking the question, and I'm
3 telling you that I'm not going to answer, and I
4 don't really think Judge Cardenas is going to allow
5 that type of question when I'm on the witness
6 stand, but if, in fact, he does, I guess you'll get
7 your answer.

8 MR. DRESCHER: Not before, right?

9 THE WITNESS: There you go.

10 MR. DRESCHER: You're going to
11 instruct him on that basis of his summation of what
12 the grounds are?

13 MS. MCRAE: I'm not going to
14 instruct him; I'm going to leave, Drescher. We're
15 going to leave.

16 MR. DRESCHER: He's already said he
17 has a reason to fear for the safety of his personal
18 property.

19 MR. DRESCHER: Well, I think you
20 just said that.

21 THE WITNESS: No, I said it. I know
22 that their investigators are out there getting
23 plans to my house. They brag about such things.
24 You may or many not or know that, and he may or may
25 not know that, and they may deny it to your face,

1 but the fact is, they are doing that. They have
2 these plans to my -- and now you want to know --
3 were you going to ask me what room it's in? Give
4 me a break. None of your business. It's got
5 nothing to do with Joe Yanny and Joe Yanny
6 representing me.

7 MR. BERRY: Or to his credibility.

8 MR. DRESCHER: I'd certainly
9 disagree on that, Mr. Greene -- Mr. Berry. I'm
10 going to -- I think everyone's --

11 THE WITNESS: If you've got some
12 more questions about Joe's case, let's get on with
13 it. Otherwise, I've got to get back to work.

14 Q. Let me ask you about this. In
15 connection with Joe's case, the case that brings us
16 here today, have you been interviewed by any
17 personnel from the Department of Justice?

18 A. In regards to just specifically this
19 case, no.

20 Q. No. I'm asking you in regard to any
21 contact --

22 A. In my whole life?

23 Q. No. Let me ask the question first.

24 A. All right.

25 Q. In regard to any communication you've had

1 with personnel associated with the Department of
2 Justice, has that discussion embraced anything to
3 do with Joe's case?

4 MS. MCRAE: And I --

5 MR. BERRY: That is an ingenious way
6 to try to get into discussion he's had with the
7 Department of Justice, which are not relevant to
8 this case.

9 MR. DRESCHER: No, it's not. It's
10 specifically about this case. I'm asking a
11 foundational question as to whether this man had
12 discussions about this case with any representative
13 of the Department of Justice.

14 MR. BERRY: Whether he did or didn't
15 is of no relevance to this litigation.

16 MR. DRESCHER: The question's out
17 there.

18 (Witness and counsel confer.)

19 MS. MCRAE: Answer it.

20 A. No.

21 Q. I'm sorry, I didn't hear you, Rick. I'm
22 sorry.

23 A. No.

24 Q. Now, with respect to this case, have you
25 at any time had any discussions with any

1 representative of the Internal Revenue Service
2 concerning the subject matter of this case?

3 A. No.

4 Q. Have you had any discussion concerning
5 the subject matter of this case with any law
6 enforcement authority?

7 A. No.

8 MR. DRESCHER: Give me a minute
9 here.

10 By the way, with respect to Mr. Berry's
11 last objection, in responding to it, I don't want
12 in any way to suggest that I disagree with his
13 characterization of me as being ingenious. I sort
14 of like that, but I don't take that to mean that I
15 am accepting it was an ingenious way to do
16 something to which I was not entitled.

17 MR. BERRY: Are you going to break
18 your arm there, Bill?

19 MR. DRESCHER: Mr. Aznaran, would it
20 disappoint you if I were to tell you that I don't
21 have any further questions?

22 THE WITNESS: No.

23 MR. DRESCHER: Okay. Then I don't
24 have any further questions.

25 THE WITNESS: I don't believe, but I

1 just feel you don't have anything else that I will
2 stick around for, but I'll take it any way I can
3 get it.

4 Thank you very much, and as usual, it's
5 been a real pleasure.

6 (End of proceedings.)

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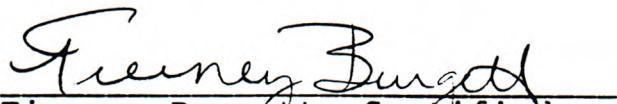
1 DECLARATION UNDER PENALTY OF PERJURY
23 I hereby declare under penalty of perjury
4 that the foregoing is my deposition under oath; are
5 the questions asked of me and my answers thereto;
6 that I have read same and have made the
7 corrections, additions or deletions to my answers
8 that I deem necessary.9 In witness thereof, I hereby subscribe my
10 name this _____ day of _____, 1992.
11
1213 _____
14 RICHARD AZNARAN
15
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25

1 STATE OF TEXAS)
2 COUNTY OF DALLAS)
3

4 I, Tierney Burgett, Certified Shorthand
5 Reporter, in and for the State of Texas, certify
6 that the foregoing deposition of VICKI AZNARAN
7 was reported stenographically by me at the time and
8 place indicated, said witness having been placed
9 under oath by me, and that the deposition is a
10 true record of the testimony given by the
11 witness.

12 I further certify that I am neither counsel
13 for nor related to any party in this cause and am
14 not financially interested in its outcome.

15 Given under my hand on this the 16th day of
16 April, 1992.

17 
18 Tierney Burgett, Certified
19 Shorthand Reporter No. 588
20 in and for the State of Texas
21 Stanley, Harris, Rice &
22 Associates
23 3100 McKinnon, Suite 1000
24 Dallas, Texas 75201
25 (214) 720-4567

23 My commission expires 12-31-92
24

25 Original deposition sent to Karen McKrae on
4-16-92.

1 DEPOSITION CHANGES

2 WITNESS NAME: RICHARD AZNARAN

3 PAGE NO. LINE NO. CHANGE REASON FOR CHANGE

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FORD GREENE
711 Sir Francis Drake Blvd.
San Anselmo, California 94960-1949
Telephone: (415) 258-0360

Attorney for Plaintiffs
VICKI J. AZNARAN and RICHARD N. AZNARAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT, STATE OF CALIFORNIA

VICKI J. AZNARAN and RICHARD N.
AZNARAN

* CASE NO. CV88-1786-WDK

Plaintiffs,

* SUBSTITUTION OF ATTORNEY

VS.

CHURCH OF SCIENTOLOGY OF
CALIFORNIA, INC.; CHURCH OF
SPIRITUAL TECHNOLOGY, INC.;
SCIENTOLOGY MISSIONS INTERNATIONAL,
INC.; RELIGIOUS TECHNOLOGY CENTER,
INC.; AUTHOR SERVICES, INC.;
CHURCH OF SCIENTOLOGY INTERNATIONAL,
INC.; CHURCH OF SCIENTOLOGY OF
LOS ANGELES, INC.; MISSION OFFICE
WORLDWIDE; AUTHOR FAMILY TRUST;
THE ESTATE OF L. RON HUBBARD;
DAVID MISCAVIGE; and NORMAN
STARKEY

Defendants.

*

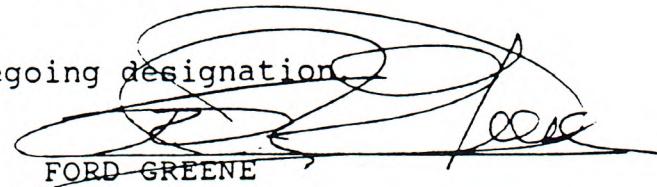
I, RICHARD N. AZNARAN, hereby substitute, in PRO PER, 703
McKinney Avenue, Suite 309, Dallas, Texas 75206, (214) 720-1414,
in place and stead of FORD GREENE, 711 Sir Francis Drake Blvd.,
San Anselmo, California 94960-1949.

DATED: 6/11/91


RICHARD N. AZNARAN

I hereby consent to the foregoing designation.

DATED: 6/7/91


FORD GREENE



357



HUB LAW OFFICES
FORD GREENE, ESQUIRE
711 SIR FRANCIS DRAKE BOULEVARD
SAN ANSELMO, CALIFORNIA 94960-1949
(415) 258-0360

1 HUB LAW OFFICES
2 Ford Greene, Esquire
3 California Bar No. 107601
4 711 Sir Francis Drake Boulevard
5 San Anselmo, California 94960-1949
6 Telephone: (415) 258-0360

7
8 Attorney for Plaintiffs
9 VICKI J. AZNARAN and
10 RICHARD N. AZNARAN

11
12
13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15 VICKI J. AZNARAN and RICHARD N.) No. CV-88-1786-JMI (EX)
16 AZNARAN,)
17 Plaintiffs,)
18 vs.)
19 CHURCH OF SCIENTOLOGY OF)
20 CALIFORNIA, et al.,)
21 Defendants.)
22 _____)
23 AND RELATED COUNTER CLAIM)
24 _____)
25 RICHARD N. AZNARAN declares;

26
27 DECLARATION OF RICHARD N.
28 AZNARAN REGARDING
ASSOCIATION OF JOHN
CLIFTON ELSTEAD AS
TRIAL COUNSEL



29 1. I am the plaintiff in the above-captioned case.
30
31 2. It is my desire that John Clifton Elstead be associated as
32 trial counsel on my behalf in this case.
33
34 3. I do not seek Mr. Elstead's association for the purpose of
35 delaying the trial date set for October 15, 1991. The reason I desire
36 the association is because I believe that Mr. Elstead has the skill,
37 resources, support and ability to properly present my case.
38
39 ////

4. Previously, I was sufficiently concerned about Mr. Greene's ability to handle and maintain the trial of my case that I replaced him with myself, in pro per, and then substituted in Joseph Yanny. Now, that experienced trial counsel has been retained, I do not foresee any further changes in my representation.

5. I am in agreement with my wife and co-plaintiff, Vicki J. Aznaran, Mr. Elstead and Mr. Greene that this arrangement will best serve my purpose of prosecuting my causes of action against the defendants and preserve the trial schedule of the Court.

6. Due to the recent instability of my representation, I want by this declaration to assure the Court of my intentions even though it my understanding that Court approval is not required regarding the association of counsel.

///

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///

I make the above statements upon personal knowledge, except where any statement is made upon information and belief, and could competently testify as to the matters stated herein if called upon to do so.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this Thirty-First day of July, 1991, at Dallas, Tx.



Richard N. Aznaran

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VICKI J. AZNARAN
RICHARD N. AZNARAN

VS.
CHURCH OF SCIENTOLOGY OF
CALIFORNIA, ET AL.

PLAINTIFF,

DEFENDANT.

CASE NUMBER

CV 88-1786 JMI (Ex)

SUBSTITUTION OF ATTORNEY

RICHARD N. AZNARAN
NAME OF PARTY

PLAINTIFF DEFENDANT

HEREBY SUBSTITUTES JOSEPH A. YANNY, LAW OFFICES OF JOSEPH A. YANNY WHO IS
 RETAINED COUNSEL COUNSEL APPOINTED BY THE COURT PRO PER
ADDRESS 1925 Century Park East, Suite 1260, Los Angeles, CA 90067
TELEPHONE (213) 551-2966

STATE BAR NUMBER 97979 AS ATTORNEY OF RECORD IN PLACE AND STEAD
OF pro per X Belinda A.
PRESENT ATTORNEY

DATED X/27/91

X Belinda A.
SIGNATURE OF PARTY

I HAVE GIVEN PROPER NOTICE PURSUANT TO LOCAL RULE 2.8 AND FURTHER CONSENT TO THE ABOVE
SUBSTITUTION.

DATED X/27/91

X Belinda A.
SIGNATURE OF PRESENT ATTORNEY

I AM DULY ADMITTED TO PRACTICE IN THIS DISTRICT.

DATED 28/1/91

X Belinda A.
SIGNATURE OF NEW ATTORNEY #97979

APPROVED

UNITED STATES DISTRICT JUDGE

SUBSTITUTION OF ATTORNEY

G-1 (02/89)



VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing _____

and know its contents.

CHECK APPLICABLE PARAGRAPH

- I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
 I am an Officer a partner _____ a _____ of _____.

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

- I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on _____, 19_____, at _____. California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Type or Print Name

Signature

PROOF OF SERVICE

181A (1) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF

Los Angeles

I am employed in the county of _____, State of California.
I am over the age of 18 and not a party to the within action; my business address is: 1925 CENTURY
PARK EAST #1260 LOS ANGELES CA 90067

On JUNE 28, 1971, I served the foregoing document described as
SUBSTITUTION OF ATTORNEY

on INTERESTED PARTIES in this action

- by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:
 by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

BY MAIL

I deposited such envelope in the mail at Los Angeles, California.
The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing.
Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at _____ California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on JUNE 28, 1971, at Los Angeles, California.

- **(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on _____, 19_____, at _____, California.

- (State) ... I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
 (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

JOHN KURESKO

Type or Print Name

STUDENTS EDITION FORMS AND REVISED 5/1/88
AND DISCOVERY LAW 1972 AND 2021 CCP
MAY BE USED IN CONCORDANCE WITH FORMS COURTS

John Kuresko
Signature
"FOR MAIL SIGNATURE MUST BE ON MESSAGE PREPAID ENVELOPE OR MAIL BOX"
"FOR PERSONAL SERVICE SIGNATURE MUST BE TIME OF MESSAGE"
Circular stamp: JOHN KURESKO

SERVICE LIST

William T. Drescher
23679 Calabasas Road
Suite 338
Calabasas, California 91302
(818) 591-0039

Attorney for Defendant
RELIGIOUS TECHNOLOGY CENTER
CHURCH OF SPIRITUAL TECHNOLOGY

Earle C. Cooley
COOLEY, MANION, MOORE &
JONES, P.C.
21 Custom House Street
Boston, Massachusetts 02110
(617) 542-3700

Attorneys for Defendants
CHURCH OF SPIRITUAL TECHNOLOGY,
RELIGIOUS TECHNOLOGY CENTER

Eric Lieberman
RABINOWITZ, BOUDIN, STANDARD,
KRINSKY & LIEBERMAN, P.C.
740 Broadway at Astor Place
New York, New York 10003-9518
(212) 254-1111

Attorneys for Defendant
CHURCH OF SCIENTOLOGY
INTERNATIONAL

James H. Berry, Jr.
BERRY & CAHALAN
2049 Century Park East Suite 2750
Los Angeles, CA 90067
(213) 28402126

John J. Quinn
QUINN, KULLY & MORROW
520 S. Grand Ave. 8th floor
Los Angeles, CA 90071
(213) 622-0300

Attorneys for Defendant
CHURCH OF SCIENTOLOGY
INTERNATIONAL

Michael Hertzberg
740 Broadway, Fifth Floor
New York, New York 10003
(212) 982-9870

Attorneys for Defendant
AUTHOR SERVICES, INC.

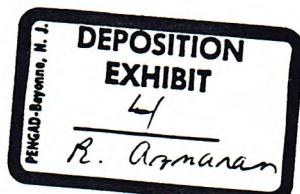
Kendrick L. Moxon
BOWLES & MOXON
6255 Sunset Blvd.
Suite 2000
Los Angeles, CA 90028
(213) 661-4030

Attorneys for Defendants
CHURCH OF SPIRITUAL
TECHNOLOGY
CHURCH OF SCIENTOLOGY
INTERNATIONAL

4

L2547/LIT44:356

1 JOSEPH A. YANNY, ESQ. - Bar No. 97979
2 LAW OFFICES OF JOSEPH A. YANNY
3 1925 Century Park East, Suite 1260
4 Los Angeles, California 90067
(213) 551-2966



5
6
7 Attorneys for Plaintiffs

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9
10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 VICKI J. AZNARAN, and) CV 88-1786 JMI (Ex)
13 RICHARD N. AZNARAN,)
14 Plaintiffs,)
15 vs.) DECLARATION OF
16 CHURCH OF SCIENTOLOGY OF) RICHARD N. AZNARAN
17 CALIFORNIA, ET AL.)
18 Defendants.)
19 AND RELATED COUNTERCLAIMS)
20
21 I, Richard N. Aznaran, declare and state:
22 1. I am a Plaintiff in the above-entitled action.
23 2. This declaration is being made in support of
24 Plaintiffs' Ex Parte Application for an Order Continuing the
25 Hearing date on Defendant's Motion for Summary Judgement. The
26 matters stated herein are of my own personal knowledge, and if
27 called, I could testify to them under oath.
28 3. Within the last two weeks, I have had a series of
conversations with Barry Van Sickle concerning one John J.
Quinn who is an attorney for Defendant Scientology.
29 //

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1 4. Mr. Van Sickle called me and initially indicated that
2 Scientology, through Mr. Quinn, wanted to settle, or at least
3 enter into negotiations to resolve the above-entitled action
4 against Scientology.

5 5. Mr. Van Sickle indicated that Quinn stated the only
6 requirement for settlement talks was they did not want to
7 negotiate or deal with the my then-attorney, Ford Greene.

8 6. Mr. Van Sickle indicated that Quinn had stated he
9 would, negotiate with Barry if he was in a position to
10 negotiate a settlement for the Aznarans.

11 7. Mr. Van Sickle had previously been my lawyer in this
12 action.

13 8. Subsequent to my conversation with M. Van Sickle, Mr.
14 Greene was released from his present duty to represent me and I
15 authorized Mr. Van Sickle to negotiate for me with Scientology.

16 9. I am informed that Mr. Van Sickle delivered my request
17 for further negotiations to Quinn.

18 10. Mr. Van Sickle indicated that Quinn said Scientology
19 had changed its mind, that they did not care to enter into any
20 negotiations

21 11. Within days of my release of Mr. Greene as counsel,
22 and Scientology's withdrawn offer, the Scientology Defendants
23 filed a Motion for Summary Judgment, scheduled to come on for
24 hearing in this court on July 22, 1991.

25 12. Joseph A. Yanny has agreed to come into the action
26 and to represent me.

27 ///

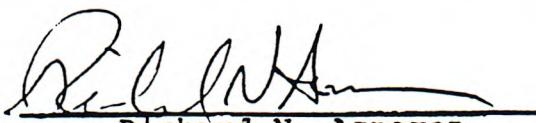
28 ///

L2547/LIT44:356

1 13. Mr. Greene has all the case files in his possession
2 and is supposed to have them delivered to Mr. Yanny.

3 I declare under penalty of perjury under the laws of
4 the United States that the foregoing is true and correct and
5 based upon my personal knowledge and, if called as a witness,
6 will testify to the same.

7 Executed this 1 day of July, 1991, at Dallas, Texas.

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10 
11 Richard N. Aznaran

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